REFLECTIONS ON A PAMPHLET, STILED

Just and Modest Vindication of the Proceedings of the Two last PARLIAMENTS:

OR,

A Defence of His Majesties

Late Declaration.

BY

the Author of the Address to the Freemen and Free-holders of the Nation.

Si imperium evertant, libertatem præferunt: Si perverterint, libertatem ipsam aggredientur. Tacitus Ann. lib. 4.

Rumoribus atque auditionibus permoti de summis sæpe rebus consilia mutant: quorum eos è vestigio pœnitere necesse est, quum incertis rumoribus serviant; & pleriq; ad voluntatem eorum ficta respondeant. Cæsar de Bello Gal. lib. 4.

LONDON,

Printed by *M. Clark*, for *George Wells* at the Sun in St. *Pauls* Church-Yard. 1683.

MVSEVM
BRITAN
NICVM

The Author to the Reader.

THE Pamphlet on which these Reflections are written, hath so long since received its doom (for it was designed to put a stop to the many Loyal Addresses which then came in every day: And so every one that succeeded it, gave it a moral wound, by declaring to the World its weakness and folly) that it may seem a piece of impertinence in me to drag it into the light again, tho with an intent to expose it the more to the just Resentments of all good Subjects; wherefore for my own justification I think my self bound to assign the Causes, why so late, and why at all?

Know then Reader, that this same Libel, entituled, A just and modest Vindication, &c. was Printed near Six months before ever I heard there was any such thing in the World: and it was near Six more before I could get a sight of it, tho I used all the interest I could make, to borrow or buy it.

When I had it, and had read it over once or twice, I then resolved to make some short **Reflections** upon it, and put them as a Preface to the third Part of the Address to the Freemen and Freeholders of the Nation, which was then going to the Press; but being

pressed

preſſed at the ſame time with an earneſt deſire to leave no material paſſage in the Libel unexamined, and wanting ſtill to bring a juſt Anſwer to it within the compaſs of a Preface to that Book, it ſwelled to ſuch a bulk, that it was totally unfit for that purpoſe; ſo I thought it was better either to Print it alone, or to ſuppreſs it.

To which purpoſe I ſent it up about Michaelmas *laſt to* London, *to a Perſon of great worth and judgment to peruſe it, and paſs a final Sentence on it, but his greater buſineſs prevented him from ſo doing till almoſt ſix months after.*

And by that time I cannot deny but that (notwithſtanding the favourable opinion my worthy Friend was pleaſed to paſs upon it) it ſeemed to me almoſt Antiquated, and upon that account I would certainly have huſhed it up in everlaſting ſilence, if I had not at the ſame time conſidered, that the ill Principles this Libel hath ſown in the minds of men, are like Seeds which lie buried in the Earth during the Winter, but if the Soil happen to be ſtirred again, and then the Rain and Sun give their aſſiſtance, they will certainly ſpring up, and produce a plentiful Crop of pernicious Weeds to annoy and diſquiet the Nation: And I am not without all hopes that theſe Reflections may by Gods bleſſing prevent ſome part of this miſchief; and although I ſhould be miſtaken in the Event, yet I am ſatisfied the Deſign is good.

How well or ill I have performed what I undertook

belongs

To the Reader.

[illegible]gs not to me of all men to determine; for we are [illegible] to be too fond of the Children of our Brains, as well [illegible] of our Bodies; but they who have no such relation to [illegible] will easily observe their defects and faults, and to [illegible] I leave it to pass what judgment they please upon it [illegible].

I have ordered his Majesties Speech at the opening of the Parliament at Oxon, *and his Gracious Declaration, &c. to be Printed with it, because there are such frequent occasions to have recourse to them, that the Reader will have too much trouble, if he have them not in the same Piece, and it is probable many of them may not have them neither.*

I shall add no more but my earnest Prayers that God would so bless the Work that it may bring forth the blessed fruits of Peace, Righteousness, and Loyalty in the minds of all those that peruse it: and that he would deliver me, and all his Majesties Loyal Subjects out of the hands of unreasonable and factious men; and if the Reader please to put his AMEN *to this, he shall infinitely oblige me.*

March 10.
1682/3.

BRITISH MUSEUM

REFLECTIONS
ON A
PAMPHLET,
STILED
A Juſt and Modeſt Vindication of the Proceedings of the Two laſt PARLIAMENTS:
BEING
A defence of his Majeſties Declaration.

THis Author, who by his ſtile and the manner in which he treats all thoſe that have the misfortune to fall under his Cenſure, appears to be no mean perſon; ſeems every where throughout the whole Diſcourſe to be tranſported with ſo much Anger and Rage; that he was neither maſter of his own Reaſon, nor able to uſe that Learning he had to any good purpoſe: From whence we may ſuppoſe it hapned, that putting the Title of his Book in the firſt lines of it, he never more thought of the *Juſtice* or *Modeſty* pretended, but a Vindicative Spirit took ſuch poſſeſſion of him, as he never became his own man after. My Reader therefore, I hope, will pardon me, if his Paſſion happens to move one in me, in any part of theſe Reflections;

becauſe is is difficult to converſe patiently with a man of this temper.

He begins thus: *The Amazement which ſeized every good man, upon the unlooked-for diſſolution of two Parliaments within three Months, was not greater than at the ſight of a Declaration pretending to juſtifie and give Reaſons for ſuch extraordinary proceedings.*

Thus my Author comes ſtaring upon the Stage, as one newly recovered out of one Amazement, and juſt then taken with another, he fanſies all the good men of the Nation under the ſame diſtraction of mind. And what was it that wrought ſo powerfully on him, that every man that was not ſo affected deſerved not the Title of a *Good Man?* Nothing in the world but the Diſſolution of the two laſt Parliaments, and the ſight of the before-mentioned Declaration. A frightful ominous ſight! He tells us afterwards there never appeared ſuch a Prodigy before, but in 1628. and that was one of the firſt ſad Cauſes (though he does not prove it to be ſo much as an Occaſion) of the enſuing *unhappy War*; a ſoft name for a *Rebellion*, which as good men never had Cauſe, ſo ill men never wanted a Pretence to ſtir up.

Pag. 3.

I can aſſure him that there were many good men who obſerved all this as well as he, who did not inſtantly fall into fits upon it. Good men can truſt God and their King, and reſt quietly and free from *Amazement* in greater Accidents than theſe.

Having a little recovered himſelf out of the Muſe he was in, thus he proceeds. *It is not to be denied but that our Kings have in a great meaſure been intruſted with the power of Calling, and Declaring the Diſſolutions of Parliaments. Have they ſo? Whoſe Truſtees are they? When did they firſt obtain this favour?*

I proteſt now I was ſo dull as to think that this right of Calling and Diſſolving Parliaments was a Natural Right, inherent

inherent in the Crown, and as old as the British Monarchy, and that at the granting of the great Charter, and at all other times before or since, when the Kings of *England* granted any *new Priviledges to their Subjects* they still reserved to the Crown the power of calling Parliaments when and where they pleased, and to continue them as long as they thought fit, and then to Dissolve or Prorogue them. Well, but if I was therein mistaken, yet he allows our Kings a great *measure* of that trust, and who claims the Remainder of it? Not the Petitioners, I hope. No, the Privy Council, he tells us, are to be advised with. Now that is matter of Expedience only, not of Right; for whatever His Majesty can lawfully do with, doubtless he may as lawfully (though not in all cases and circumstances so prudently) do without, the Advice of his Privy-Council, who never claimed, that I have heard of, any co-ordinate right of managing affairs with our Kings; and matter of *Advice in its own nature supposes a liberty in the Person to whom 'tis given either to adhere to, or to reject it.

Pro. Dom. Rege dicit, quod cum placeat ei, Parliamentum suum tenere pro utilitate Regni sui, de Regali potestate sua facit summoneri ubi & quando, &c. pro voluntate sua. Cok. Jurisdict. p. 16.

* The Three Estates do but Advise as the Privy-Council doth, which

If the King imbrace, it becomes the Kings own Act in the one; and the Kings Law in the other; for without the Kings Acceptation both the publick and private Advices be but as empty Egg-shells. Sir *Walter Raleighs Prerogative of Parliaments*, pag. 57. —— *Vide & Grotium de imp. sum. potest. circa Sacra.* Cap. 6.

Well, but whoever has the rest of that Trust, care hath been anciently taken, both for the Holding of Parliaments Annually; and that they should not be Prorogued or Dissolved till all the Petitions and Bills before them were Answered and Redressed. And for this my Author quotes two Acts of Parliament, which because they are short I will insert here. The first is this: Item, **it is accorded that a Parliament shall be holden every year once, and more often if need be.** Here is every word in that Statute. The second follows: Pag. 3. 4. Ed. 3. c. 14.

follows: Item, **for maintenance of the said Articles and Statutes, and redress of divers mischiefs and grievances which daily happen, a Parliament shall be holden every year, as another time was ordained by a Statute,** which is the very same that I have recited before. The Record which he quotes I can say nothing to. So I agree with him that there are two Statutes provided for the holding of Parliaments Annually, *and more often if need be*, of which the Kings of *England* have ever since thought themselves the Judges. But where are the Statutes to be found that these Parliaments should not be prorogued nor dissolved till *ALL the Petitions and Bills before them were answered and redressed?* Here is not one tittle of this in either of these he quotes, yet that is the main thing in controversie, and which only needed proving. But he goes on. *The Constitution had been equally imperfect and destructive of it self, had it been left to the choice of the Prince whether he would ever Summon a Parliament; or put into his power to dismiss them Arbitrarily at his pleasure.* Then sure it had been worth the while to have proved for what time they were to sit, as well as how often. And if this can be made out that it is an Arbitrary, that is, in the sense he would be understood in, an Illegal Act, for the King to prorogue or dissolve a Parliament, till *all the Petitions and Bills be answered and redressed*, then will it be possible for a Parliament to perpetuate it self for ever by an endless succession of Petitions and Bills mixed with other great affairs, which as it is contrary to the practice of all our Kings since these Statutes, so if it were true, the Monarchy would not then be what it now is; but be much nearer a Commonwealth. So that be the Consequence what it will, this learned Gentleman must yield, that it is at the choice of our Princes to summon Parliaments when they think it needful; and to dismiss them when they please. As for the word *Arbitrarily*, which he here useth,

35 Ed. 3. c. 10.

2 R. 2. Num. 28.

it

it is needleſs; and was ſuggeſted to him by his Spleen, and and not by his Reaſon.

That Parliaments ſhould thus meet (Annually) *and thus ſit,* (till all the Petitions and Bills before them are anſwered and redreſſed) *is ſecured to us by the ſame ſacred tye by which the King at his Coronation does oblige himſelf, to let his Judges ſit to diſtribute Juſtice every Term, and to preſerve inviolably all other Rights and Liberties of his Subjects.* I thought the Law had been altered a little in the firſt particular, by a Statute made in the Seventeenth year of his now Majeſties Reign, *Cap.* 1. the words of which are as followeth. **And, becauſe by the Ancient Laws and Statutes of this Realm, made in the Reign of King** Edward **the Third, Parliaments are to be held very often, Your Majeſties humble and loyal Subjects the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, moſt humbly do beſeech your moſt Excellent Majeſty,** &c. **that hereafter the ſitting and holding of Parliaments ſhall not be intermitted or diſcontinued above three years at moſt, but that within three years from and after the Determination of this preſent Parliament, and ſo from time to time within three years after the determination of any other Parliament or Parliaments; or if there be occaſion more or oftener, your Majeſty your heirs and Succeſſors do iſſue out your Writs for calling, aſſembling, and holding of another Parliament, to the end there may be a frequent calling, aſſembling, and holding of Parliaments once in three years at leaſt.** So that ſurely his Majeſty may without breach of his Coronation Oath delay the calling of a Parliament three years, if there be no occaſion for one ſooner, of which he is the Judge. *Therefore* (as he goes on) *abruptly to diſſolve Parliaments at ſuch a time, when nothing but the Legiſlative Power, and the United* Pag. 2.

Pag. 22.

United Wiſdom of the Kingdom could relieve us from our juſt fears, or ſecure us from our certain dangers, is very unſuitable to the great Truſt repoſed in the Prince, and ſeems to expreſs but little of that affection which we will always hope his Majeſty bears towards his People and the Proteſtant Religion. That there was then too much need of the Legiſlative Power and the Wiſdom of the Nation united in Parliament, is not to be denied, and that his Majeſty was very ſenſible of it appears, by his calling three Parliaments in twenty ſix Months, as my Author computes it, *page* 46. and we ſhall have occaſion hereafter to enquire by whoſe fault it came to paſs that they were all ſo abruptly diſſolved, and that will lead us to a probable conjecture why none hath been ſince called; notwithſtanding his Majeſties Affection to his People and the Proteſtant Religion is ſuch, that we have great reaſon to bleſs God for it, and to acknowledge it thankfully to him.

Pag. 2. My Author goes on thus: *But it is not only of the Diſſolution it ſelf that we complain; the manner of doing it is unwarranted by the precedents of former times, and full of dangerous Conſequents. We are taught by the Writ of Summons, that Parliaments are never called without the advice of the Council, and the uſage of all Ages has been never to ſend them away without the ſame advice. To forſake this ſafe method is to expoſe the King perſonally to the reflections and Cenſures of the whole Nation for ſo ungrateful an Action.* We may grant it the moſt uſual, and the beſt and ſafeſt way to conſult the Council in both theſe Caſes. But yet that will not preſently make the Act Arbitrary or Illegal, if it be omitted, and in this Caſe if it were otherwiſe it may poſſibly in the end appear to have been matter of neceſſity rather than choice. We may very well remember that a great number of the Gentlemen of the Lower Houſe went to *Oxford* with armed men to guard them from the Papiſts, and ſome of them told the people at parting; *They*

Colledges Trial, p. 37, 57, 73.

did

did never expect to see them again. The meaning of which is possible to be understood. And besides these there were some other zealous men went; so that if his Majesty did not think it fit, or safe to consult his Council, and spend time in deliberating in the midst of such dangers, they must bear the blame who gave the occasion, and made it necessary. So that these are the men, next such as my Author, who are to be charged, tho not with advising, yet with necessitating the last dissolution to be made, in the manner it was, for the security of his Majesties Life and Liberty, which yet I would never have said but to justifie his Majesty. *Colledges* Trial, p. 27, 30.

But yet we must know all this Concern for the Council is not out of kindness or respect to them, he saith, *They are punishable for such Orders as are irregular; nor can the Ministers justifie any unlawful Action under colour of the Kings Commands, since all his Commands that are contrary to law, are void; (which is the true reason of that well known Maxim, that the King can do no wrong) a Maxim just in it self, and alike safe for the Prince, and for the Subject; there being nothing more absurd than that a Favourite should excuse his enormous Actings by a pretended Command, which we may reasonably suppose he first procured to be laid upon himself. But we know not whom to charge with advising this last Dissolution: it was a work of darkness, and if we are not misinformed, the Privy Council was as much surprized at it as the Nation.* Pag. 2. The sorrow was; that in the next Parliament this great Patriot would be at a loss in his hunting for some body to blame for an Action so ungrateful, as he represents it, to the whole Nation; which in my judgment is a pretty way of spending his Reflections and Censures on the King.

And this is not all his vexation neither; for in the next Paragraph he tells us, *Nor will a future Parliament be able to charge any body as the Author or Adviser of the late Printed Paper, which bears the Title of his Majesties Declaration,* Pag. 3.

Declaration, tho every good Subject ought to be careful how he calls it ſo: for his Majeſty never ſpeaks to his People as a King, but either perſonally in his Parliament, or at other times under his Seal, for which the Chancellour or other Officers are reſponſible, if what paſſes them be not warranted by Law. Nor can the direction of the Privy Council enforce any thing upon the People unleſs that Royal and legal Stamp give it an Authority: but this Declaration comes abroad without any ſuch Sanction, and there is no other ground to aſcribe it to his Majeſty than the uncertain credit of the Printer, whom we will eaſily ſuſpect of an impoſture, rather than think the King would deviate from the approved courſe of his Illuſtrious Anceſtors, to purſue a new and unſucceſsful method.

So here is all the Credit of the Declaration gone, and the poor Printer left in the lurch to anſwer it to the next Parliament for putting this impoſture on the Nation. But what comfort is there in ſuch ſmall game? A Lord Chancellour, or other great Officer, is a Royal Game, and worth the purſuit of a Houſe of Commons to pull him down; but a pitiful Printer, who can find in his heart to imploy his Oratory againſt ſuch mean Mechanicks? and as for the Privy Council they can enforce nothing upon the People without the Seal, ſo that for time to come all Proclamations, and other publick Papers, may be ſecurely ſlighted except they come Sealed with the great Seal, or ſome body be ſent with them to aſſure us he ſaw it to the Original. Thus far the Hiſtorian went, but then the Prophet comes forth, and aſſures us, as this Method is *new*, ſo it will be *unſucceſsful*. How truly the World is not now to be told.

From the Effect of the firſt Declaration of this kind, which he ſaith was publiſhed in 1628. and filled the whole Kingdom with Jealouſies, and was one of the firſt Cauſes of
Pag. 3. the enſuing unhappy War; he proceeds to tell us, *That Declarations to juſtifie what Princes do, muſt always be either needleſs*

needleſs or ineffectual; their Actions ought to be ſuch as may recommend themſelves to the World, and carry their own Evidence along with them of their uſefulneſs to the publick; and then no Arts to juſtifie them will be neceſſary. Were all Mankind wiſe and honeſt, this Argument would be unanſwerable, but as long as ſome men out of Dulneſs, and others out of Obſtinacy and Intereſt ſhut their Eyes to the plaineſt and moſt evident demonſtrations of Reaſon, it muſt of neceſſity be ſometimes neceſſary and fit for Princes to Inform their Subjects of the reaſonableneſs of their Actions; and accordingly the ſame courſe hath ever been taken, and though it might fail of that end in 1628. yet it hath often heretofore, and doubtleſs will often again ſucceed, and the Jealouſies which then aroſe were not the effect of the Declaration, but of thoſe ill Arts by which ſuch a ſort of men as we have now to deal with, wheedled the Populace into an ill opinion of the beſt of Princes for Ends, that are now too well known to be again imbraced.

When a Prince deſcends ſo low as to give his Subjects Reaſons for what he has done, he not only makes them Judges whether there be any weight in thoſe reaſons, but by ſo unuſual a ſubmiſſion gives cauſe to ſuſpect, that he is conſcious to himſelf, that his Actions want an Apology. I never thought before that the French Kings Logick was the only Argument that became a Prince, *Car tel eſt noſtre plaiſir*, For ſo our will and pleaſure is. And thoſe Subjects muſt be very ill natured that grow jealous upon the Condeſcentions of a Prince, and judge the Reaſons of a King to have the leſs weight becauſe he graciouſly offers them to the Judgment of his People; Sure I am ſometimes God Almighty is pleaſed to do it, who only hath a right to command our abſolute ſubmiſſion, upon the account of his infinite both Wiſdom and Soveraignty. So that to ſuſpect the want of of an Apology on no other grounds than a mans willingneſs Pag. 3.

to satisfie the World of the justice of a mans Cause, and the reasonableness of his Actions, is a perverseness to which common Knaves do seldom arrive; the Heroes of Villany do not often rise to that pitch of Brutality without the help of *Malmsbury* Philosophy. And I am perswaded that our Author would have spared this Cavil against his Majesties Declaration if he had before-hand considered that in natural consequence he charges not only the King, but also the Three Estates with so many deliberate Acts of folly and injustice as there are Acts of Parliament containing the reasons of Enacting so or so.

Pag. 3. *If a Princes Actions are indeed unjustifiable, if they are opposite to the Inclinations, and apparently destructive of the Interests of his Subjects, it will be very difficult for the most eloquent or insinuating Declaration to make them in love with such things.*

And if they be none of all these, if a Crafty man may but comment upon them, and by Ifs and Ands insinuate into the heads of the Common People that he takes them for such, it is possible all the Eloquence in the World may not be powerful enough to bring them into their right wits again, but yet this may fail too sometimes.

Pag. 3. *And therefore they did certainly undertake no easie task in pretending to perswade men who see themselves exposed to the restless malice of their Enemies; who observe the languishing condition of the Nation, and that nothing but a Parliament can provide remedies for the great Evils which they feel and fear; that two several Parliaments, upon whom they had placed all their hopes, were so suddenly broken out of kindness to them, or with any regard to their advantage.*

No, I suppose no body was so silly as to undertake such an impossible task: but there was another sort of men, who had looked better into things, and care was to be taken of them to confirm them, and a third sort that were not yet well resolved what to think of things, and they were

were to be directed and assisted, and it was not impossible the Declaration might have a good effect upon them, as indeed it had; as for those that had placed all their hopes upon the two last Parliaments, and were pleased with all they did; there was neither hopes nor design of working that Miracle upon them, but they were to be left to time to be cured. And in the interim I would advise them to study *Colemans* Declaration, of which my Author saith fine things, which I care not to transcribe.

But should this Declaration be suffered to go abroad any longer under the Royal Name; yet it will never be thought to have proceeded from his Majesties Inclination or Judgment, but to be gained from him by the Artifices of the same ill men, who not being content to have prevailed with him to dissolve two Paliaments, only to protect them from Publick Justice, do now hope to excuse themselves from being thought the Authors of that Counsel by making him openly to avow it. But they have discovered themselves to the Kingdom, and have told their Names when they number amongst the great Crimes of the House of Commons, their having declared divers Eminent Persons to be Ememies to the King and Kingdom. Pag. 4.

So his Majesties Inclination and Judgment being kindly absolved from the guilt of this Declaration of purpose to abate the Esteem it ought to have. And seeing it is not possible to keep it within doors, and that some may think the worse of it because there was a sham Declaration found among *Colemans* Papers, as you know there was a sham Plot in the Meal-Tub, and yet there may be others that are real. The next Inquiry, or rather Hue and Cry, is after the Authors, and those he thinks he hath found by the passage he cites out of the Declaration, those Eminent Persons, or some of them, must needs out of Revenge and Fear be the Authors of this Pestilent Declaration. His Reason is this: *None could be offended at the Proceedings of the Parliaments but they who were obnoxious, none could be* Pag. 4.

concerned to vindicate the Diſſolution but they who adviſed it. But is my Author ſure of that, that never a man in the Nation was offended at their proceedings but ſuch as were obnoxious to them? I am of another mind, and ſo is all the world now. Is it impoſſible for any man to be concerned to vindicate the Actions of a Prince but they that adviſe him? What pitiful Sophiſtry this is. But were no men obnoxious to the proceedings of theſe Parliaments but theſe eminent men? May not it be ſome of thoſe *Subjects who were by Arbitrary Orders taken into Cuſtody for matters that had no relation to Priviledges of Parliament?* They are mentioned before the Eminent Perſons tho of a Meaner degree. If I be not miſtaken, ſome Members too were very diſgracefully Expelled the Houſe. Might not ſome of them have a hand in it? We are aſſured a little lower, that the Writer was of another Nation from this Galliciſm, *It was a matter extremely ſenſible to us.* So that this Gentleman is ſuſpitious it is but a Tranſlation of a French Copy, and the rather becauſe Monſieur *Barillon*, the French Embaſſadour, read it to a Gentleman three days before it was communicated to the Privy Council, if his intelligence did not deceive him. So here is fair Scope left to find, or ſuſpect at leaſt, other Authors beſides the Eminent Perſons, other Adviſers beſides thoſe that were obnoxious. For I ſuppoſe Monſieur *Barillon* doth not fear a Houſe of Commons. And as for this and other Galliciſms that may occur they are not to be wondred at in an Age that generally underſtands the French Tongue, in a Court where almoſt all the Great men ſpeak it; in a Prince who hath lived in *France*, and is deſcended of a French Mother. And the wonder is not ſo prodigious neither that the French Embaſſadour ſhould get a tranſcript of a Paper, intended to be publiſhed to the whole Nation, two or three days before it was read in Council. Theſe things make a great noiſe to ignorant people, whilſt I am perſuaded this

Declaration.

Pag. 5.

Gentle-

Gentleman ſmiled to think how finely he was deluding them. But be theſe things as they will, the Eminent Perſons muſt expect to anſwer it. *And our Author thinks they cannot blame him or his Party for hoping one day to ſee juſtice done upon ſuch Counſellours.* Pag.4. *And that the Commons had reaſon for their Vote, when they declared thoſe Eminent Perſons, who manage things at this rate, Enemies to the King and Kingdom, and Promoters of the French Intereſt.* Pag.5.

It is not ſtrange at all (that the Parliament at *Oxford* ſhould anger the Court more than that at *Weſtminſter*) *for the Court did never yet diſſolve a Parliament abruptly, and in heat, but they found the next Parliament more averſe, and to inſiſt upon the ſame things with greater eagerneſs than the former. Engliſh Spirits reſent no affronts ſo highly as thoſe that are done to their Repreſentatives; and the Court will be ſure to find the effects of that reſentment in the next Election.* Pag.6.

The truth of this as matter of Hiſtory is very apparent, for ſo it came to paſs in the Reign of his Majeſties Father, upon every Diſſolution, the Commons made choice of the ſame, or worſe, Members; till in 1640. they had fitted themſelves with a Parliament to their hearts deſire, who reſented, not the Affronts done to themſelves as the Peoples Repreſentatives, but the ſeveral Stops and Rubs that had been laid in their way, ſo highly, that the Court, *i. e.* the King, ſoon felt the effects of it. But did the Nation eſcape? No, but Bloud and Violence, Anarchy and Confuſion took poſſeſſion of them to that height that the pious Martyr called it, *A Hell of Miſery, and Chaos of Confuſion.* Εἰκὼν Βασιλικὴ. Cap. 15.

The Author in the next line acquaints us, *That a Parliament does ever participate of the preſent temper of the People. Never were Parliaments of more different Complexions than that of* 1640. *and that of* 1661. *yet they both exactly anſwered the humours which were predominant in the Nation,*

Nation, when they were respectively chosen. It doth not become me to say whether that of 1680. were liker that of 1640. or 1661. but I must needs say, I wonder my Author could reflect so sensibly on the difference, and yet at the same time heighten the Popular Heats with inculcating the fears of *France* and Popery, and not rather endeavour to allay them by telling his Country-men, that twenty years Misery followed the 1640 Parliament, and twenty years Peace the latter, which I cannot but esteem a more Loyal and a more Prudent reflection than that he hath made; and much more necessary both for the Representatives and Electors. Let them however now consider seriously of it, and the next time send up men zealous to bring the real Incendiaries of the Nation to Justice, and then it is not to be doubted but some that are Country Favourites, will be found to promote the French and Popish Interest, as well as the Republick. And I dare then become their Sponsor (if it might not look too presumptuously in so mean a person as I am) that by Gods mercy we should enjoy another Score of Halsion years, to the confusion of Popery, and the extreme damage of *France*. Both which do as certainly promote our present distempers as they did those in *Charles* the First his times; as have been made so apparent, that the Dissenters, who were the Principals then as they are now, would fain persuade the world that the Accessaries, the French Emisaries and Jesuits, did all that mischief that was then done. But as this is ridiculous and impossible, so, if duly considered, it might prevent a relapse into the same misery and confusion, which is more to be desired by all good Christians than the most delightful revenge upon the Favorites.

But it is but reasonable to expect all that I can say will signifie but little to this sort of men, if the modest Gentle-

Colledge averred, that the Parliament of 40. did nothing but what they had just cause for, and the Parliament that sate last at *Westminster* were of the same opinon. *Trial*, p. 82, 83. And to this he stood stoutly a great while after he had excused the 40 Parliament from beginning the War, and Murthering the King, which he said the Papists did.

P. du Moulin's Vindication of the sincerity of P. &c. p. 58. *London.* 1679.

Colledges Trial, p. 81, 82, 83.

man

man I am examining may be presumed better acquainted with their tempers than I am. *For surely* (saith he) *this DECLARATION* (*what great things soever may be expected from it*) *will make but very few Converts, not only because it represents things as high Crimes, which the whole Kingdom* (the contrary of which is now too apparent to be proved on one hand, or denied on the other) *has been celebrating as meritorious Actions: but because the People have been so often deceived by former Declarations, that whatsoever carries that Name will have no credit with them for the Future.* This, I confess, is one good way to prevent the making too many Converts to Loyalty; for if a People can once be effectually persuaded their Governours are faithless perfidious men, that seek nothing but an opportunity to delude and abuse them by false pretences, there will be no great danger they will pay them too much respect and obedience. But surely the man that talks thus is some French Emisary or Jesuit, such thoughts as these never arose from a Church of *England* Gentlemans heart, for the worst enemy of *England* could not have breathed a worse insinuation into the hearts of his Majesties Subjects. Pag.6.

They have not yet forgot the Declaration from Breda, *tho others forgot it too soon, and do not spare to say; that if the same diligence, the same earnest solicitations had been made use of in that affair which have been since exercised directly contrary to the design of it, there is no doubt but every part of it would have had its desired effect, and all his Majesties Subjects would have enjoyed the fruits of it, and have been extolling a Prince so careful to keep his Sacred Promises to his People.* Pag.7.

Before this unworthy Insinuation can be effectually answered, I must transcribe so much of that Declaration as is here supposed to have failed of its effect, which is as followeth:

And

Declaration from Breda. April 4. 1660.

And because the Passion and uncharitableness of the times have produced several opinions in Religion, by which men are engaged in Parties and Animosities against each other, which, when they shall hereafter unite in a freedom of Conversation, will be better understood, we do declare a liberty to tender Consciences, and that no man shall be disquieted, or called in question, for differences of Opinion in matter of Religion, which do not disturb the Peace of the Kingdom, and that we shall be ready to consent to such an Act of Parliament, as upon mature deliberation shall be offered to us for the full granting that Indulgence.

Here is his Majesties Royal Promise, wherein ought to be observed, that his Majesty promised nothing to any Party that should disturb the peace of the Kingdom. Nor to them that did not, further than that he would consent to such an Act of Parliament when it should be offered to him. So that he was not obliged to procure such an Act, nor yet to do it without an Act. And now let us see how they behaved themselves towards him.

Declaration concerning Ecclesiastical Affairs, Octob. 25. 1660.

Whilst (says his Majesty) we continued in this temper of mind and resolution, and have so far complied with the persuasion of particular persons, and the distemper of the times, as to be contented with the exercise of our Religion in our own Chappel according to the constant practice and Laws established, without enjoying that practice, and the observation of those Laws in the Churches of the Kingdom, in which we have undergone the Censure of many, as if we were without that Zeal for the Church which we ought to have, and which by Gods Grace we shall always retain; we have found our selves not so Candidly dealt with as we have deserved, and that there are unquiet and restless Spirits, who

who without abating any of their own distemper in recompence of the Moderation they find in us continue their bitterness against the Church, and endeavour to raise Jealousies of us, and to lessen our reputation by their reproaches, as if we were not true to the Professions we have made, and in order thereunto they have very unseasonably caused to be printed, published, and dispersed throughout the Kingdom a Declaration heretofore printed in our Name during the time of our being in Scotland, of which we shall say no more than that the Circumstances by which we were enforced to sign that Declaration, are enough known to the World; & that the worthiest & greatest part of that Nation did even then detest and abhor the ill usage of us in that particular, when the same Tyranny was exercised there by the power of a few ill men, which at that time had spread it self over this Kingdom, and therefore we had no reason to expect that we should at this Season, when we are doing all we can to wipe out the memory of all that hath been done amiss by other men, and we thank God, have wiped it out of our own remembrance, have been our self assaulted with these Reproaches, which we will likewise forget.

Since the Printing that Declaration several seditious Pamphlets and Queries have been published and scattered abroad, to infuse dislike and Jealousies into the hearts of the People, and of the ARMY, and some who ought rather to have repented the former mischief they have wrought, than to have endeavoured to improve it, have had the hardiness to publish that the Doctrine of the Church, against which no man with whom we

There are some seditious Preachers who cannot be content to be dispenced with for their full Obedience to some Laws Established without reproaching and inveighing against those Laws how Established soever, who tell their Auditors, that the Apostle meant when he bid them stand to their Liberties, that they should stand to their Arms, &c. *Lord Chancellors Speech*, May 8. 1661.

have conferred hath excepted, ought to be reformed as well as the Discipline.

This over-passionate and turbulent way of proceeding, and the impatience we find in many for some speedy determination in these matters, whereby the minds of men may be composed, and the peace of the Church established, hath prevailed with us to invert the Method we had proposed to our Self, and even in order to the better calling and composing of a Synod (which the present Jealousies will hardly agree upon) by the Assistance of Gods blessed Spirit, which we daily invoke and supplicate, to give some determination Our Self to the matters in difference, until such a Synod may be called, as may without prejudice or passion give us such further assistance towards a perfect union of Affections, as well as submission to Authority, as is necessary: And we are the rather induced to take this upon us by finding upon the full Conferences we have had with Learned men of several Persuasions, that the mischiefs, under which both Church and State do at present suffer, do not result from any formed Doctrine or Conclusion which either Party maintains or avows, but from the Passion, and Appetite, and Interest of particular persons, who contract greater prejudices to each other from those Affections, than would naturally rise from their Opinions; and those distempers must be in some degree allayed before the meeting in a Synod can be attended with better success than their meeting in other places, and their discourses in Pulpits have hitherto been; and till all thoughts of victory are laid aside, the humble and necessary thoughts for the vindication of Truth cannot be enough entertained.

We

We must for the honour of all those of either persuasion, with whom we have conferred, declare, that the profession and desires of all for the advancement of Piety and true Godliness, are the same; their professions of zeal for the peace of the Church, the same: of affection and duty for us, the same; They all approve Episcopacy; they all approve a set Form of Liturgy; they all disapprove and dislike the sin of Sacrilege, and the Alienation of the Revenue of the Church; and if upon these excellent foundations, in submission to which there is such a harmony of affections, any superstructures should be raised, to the shaking those foundations, and to the contracting and lessening the blessed gift of Charity, which is a vital part of Religion; we shall think Our Self very unfortunate, and even suspect that we are defective in that Administration of Government with which God hath entrusted us.

Page 18. of this Declaration, "His Majesty did again "renew what he had formerly said in his Declaration from "*Breda* for the liberty of tender Consciences, *&c.* and "declared, if any have been disturbed in that kind since "Our Arrival here, it hath not proceeded from any Direc-"on of ours.

His Majesty saith in the fifth page of this Declaration, The Presbyterians did only desire modestly such alterations in Episcopacy and the Liturgy, as without shaking foundations, might best allay the present distempers which the indisposition of the time, and the tenderness of some mens Consciences had contracted, for the better doing whereof we did intend upon our first Arrival in this Kingdom to call a Synod of Divines, as the most proper Expedient to provide a proper Remedy for all those differences, and dissatisfactions which had or should arise, &c.

Addreſs to the Freemen and Freeholders of the Nation, *Part.* 1.

In the next Spring a Commiſſion was Iſſued out under the Great Seal to ſeveral Epiſcopal and diſſenting Divines to review and correct, if they ſhould ſee cauſe, the Book of Prayer, and to make ſuch alterations in it as ſhould be thought fit; inſtead of which the Diſſenting Divines rejected the whole Book, and publiſhed a new one: So that this meeting, which was deſigned chiefly in favour of the Diſſenters, diſcovered the falſhood of all their Oyly pretences, and ſhewed they were neither for Liturgies or Epiſcopacy.

They had alſo made a ſtrong Party in the Army, of which an account hath been given already.

So that the Parliament ſeeing there was no peace to be had as long as theſe men might do what they liſted; and pervert the People, and incence them againſt the Government, paſſed the Act of Uniformity to Commence from St. *Bartholomew*, 1662.

During all this time his Majeſty, notwithſtanding their ill uſage of him, mentioned in the laſt Declaration I cited, continued ſo courteous to theſe fiery men as to excuſe it to the Parliament, *March* 1. 1661. in theſe words:

Gentlemen, *I hear you are very zealous for the Church, and very ſolicitous, and even jealous that there is not Expedition enough uſed in that Affair; and I thank you for it, ſince I preſume it proceeds from a good root of Piety and Devotion, but I muſt tell you, I have the worſt luck in the world, if, after all the reproaches of being a Papiſt, whilſt I was abroad, I am ſuſpected of being a Presbyterian now I am come home: I know you will not take it unkindly, if I tell you I am as zealous for the Church of* England *as any of you can be, and*

am enough acquainted with the Enemies of it, on all ſides; that I am as much in love with the Book of Common-Prayer, as you can wiſh, and have prejudice enough to thoſe who do not love it; who I hope in time will be better informed, and change their minds; and you may be confident, I do as much deſire to ſee a Uniformity ſettled as any amongſt you. I pray truſt me in that Affair, I promiſe you to haſten the diſpatch of it with all convenient ſpeed, you may relie upon me in it.

I have tranſmitted the Book of Common-Prayer, with thoſe Alterations and Additions, which have been preſented to me by the Houſe of Convocation, to the Houſe of Peers with my Approbation, that the Act of Uniformity may relate to it, ſo that I preſume it will ſhortly be diſpatched there: And when all is done we can, the well ſetling that Affair will require great Prudence and diſcretion, and the Abſence of all Paſſion and Precipitation.

The Act of Uniformity being ſetled and paſſed his Majeſty did not give over all his thoughts for the Diſſenters, but in the year 1662. was again labouring to revive his Declaration from *Breda* for Liberty of Conſcience; which the Houſe of Commons oppoſed, and drew up their reaſons againſt it, in the form of an Addreſs, wherein they particularly anſwer the pretences from the Declaration from *Breda*. Which tho the whole Addreſs is in the third part of the Addreſs to the Freemen and Freeholders of the Nation I will here tranſcribe, becauſe this Book may poſſibly fall into ſome hands which have not that.

By a Declaration publiſhed *December* 26. 1662. in which are theſe words:

We ſhall make it our ſpecial care, ſo far forth as in us lies, without invading the freedom of Parliament, to incline them to make ſuch an Act, &c.

"We

Friday *Feb.* 27. 1663 Collection of Messages, Addresses, *&c.* *Pag.* 6.

"We have considered the nature of your Majesties De-
"claration from *Breda*, and are humbly of opinion, that
"your Majesty ought not to be pressed with it any
"further.

"BECAUSE it is not a Promise in it self, but only a
"Gracious Declaration of your Majesties Intentions to do
"what in you lay, and what a Parliament should advise
"your Majesty to do; And no such advise was ever given,
"or thought fit to be offered, nor could it be otherwise un-
"derstood, because there were Laws of Uniformity then
☞ "in being, which could not be dispensed with but by Act
"of Parliament. They who do pretend a right to that
"supposed Promise, put their Right into the hands of their
"Representatives, whom they chose to serve in this Parlia-
"ment for them, who have passed, and your Majesty consen-
"ted to the Act of Uniformity; if any shall presume to say,
"that a right to the benefit of this Declaration doth still
"remain after this Act passed; it tends to dissolve the very
"bonds of Government, and to suppose a disability in
"your Majesty, and your two Houses of Parliament, to
"make a Law contrary to any part of your Majesties De-
"claration, though both Houses should advise your Maje-
"sty to it.

"Yet still his Majesty was so tender of these men, that
"the tenth of *February* 1667. the Commons addressed to
"the King for a Proclamation to enforce obedience to the
"Laws in force, concerning Religion and Church Govern-
"ment as it is now established, according to the Act of
"Uniformity. And the fourth of *March* following, the
"House taking into consideration the Information of the
"Insolent carriages and abuses committed by persons in
"several places, in disturbing of Ministers in their Churches,
"and holding Meetings of their own, contrary to the
"Laws of this Realm; Addressed again, for a Proclama-
"tion against Conventicles, and that there may be care

"taken

"taken for the preſervation of the Peace of the Kingdom "againſt unlawful Aſſemblies of Papiſts and Noncon- "formiſts; which was promiſed the next day. The third "of *November* 1669. the Houſe of Commons gave his Ma- "jeſty thanks for iſſuing a Proclamation for putting the "Laws in execution againſt Nonconformiſts, and for ſup- "preſſing Conventicles with the humble deſire of this "Houſe for his Majeſties continuance of the ſame care for "ſuppreſſing of the ſame for the future.

"The Eighth of *March* 1669. the Houſe having received "information of a dangerous and unlawful Conventicle "lately met in the Weſt of this Kingdom, and of Trea- "ſonable words there ſpoken, and that his Majeſty had "upon information, given order for the Proſecution of the "Offenders. The Houſe returned him their Thanks, and "deſired that his Majeſty would be pleaſed to conſider the "danger of Conventicles in and near *London* and *Weſtmin- "ſter*, from the nature of thoſe further off, and to give "order for the ſpeedy ſuppreſſing of them: and that his "Majeſty would give order to put the Laws againſt Popiſh "Recuſants in execution.

Yet after all this, the Fifteenth of *March* 167½. his Majeſty publiſhed a Declaration for Liberty of Conſcience by the Advice of his Privy Council; which he was hardly perſuaded to depart from by the Commons in *Feb.* 1672. The miſchiefs of which Toleration or Indulgence have been ſo great to his Majeſty in particular, and the whole Nation in general, that no man can well expreſs them.

See the firſt part of the Addreſs to the Freemen, &c.

And now who can enough admire the Inſolence of this diſcontented Gentleman, who dare ſay as he doth, *That if the ſame diligence, the ſame earneſt ſolicitations had been made uſe of in that affair, which have ſince been exerciſed directly contrary to the deſign of it, there is no doubt but every part of it would have had the deſired ſucceſs, and all his Majeſties*

Majesties Subjects would have enjoyed the fruits of it, and have now been extolling a Prince so careful to keep sacred his Promises to his People.

I say on the contrary, could his Majesty have been prevailed on by the unanswerable reasons of that most Excellent and most Loyal House of Commons, to have enforced the execution of the Laws against Dissenters, he had never seen his Affairs reduced to that ill condition they were not long since in. And tho I question not but by Gods blessing his Majesty will in a short time resettle things, yet I will hope for time to come it shall be a Maxim in *England, That the Strength of the Dissenters is the Weakness of the Throne.*

As for our Authors jeering reflection on his Majesties other Declaration of *April* 20. 1679. concerning the Privy Council, and some persons then taken into it, his Majesty hath had but too much reason not to stick to the same when he see there were some men whom nothing could oblige to be faithful to him; but if his Majesty hath not advised with them; he hath with some others, at least as wise, and much honester than some of those who were laid aside, so that that Declaration hath been effectually made good to the Nation. And therefore we have no reason to question his Majesties Candor in this.

Pag. 7. *As for the Declaration read in our Churches the other day, there needs no other Argument to make us doubt of the reality of the Promises which it makes, than to consider how partially, and with how little sincerity the things which it pretends to relate are therein represented, it begins with telling us in his Majesties Name,* That it was with exceeding great trouble that he was brought to dissolve the two last Parliaments without more benefit to the People by the calling of them. *We should question his Majesties Wisdom, did we not believe him to have understood that never Parliament had greater Opportunites of doing good to Himself and his People. He*

could

could not but be ſenſible of the dangers, and of the neceſſities of his Kingdom, and therefore could not without exceeding great trouble be prevailed upon for the ſake of a few deſperate men (whom he thought himſelf concerned to love now, only becauſe he had loved them too well, and truſted them too much before;) not only to diſappoint the Hopes and Expectations of his own People, but of almoſt all Europe. *His Majeſty did indeed do his part, ſo far, in giving opportunities of proving for our good, as the calling of Parliaments do amount to, and it is to be imputed to the Miniſters only that the ſucceſs of them did not anſwer his and our Expectations.*

Thus far my Author is recited verbatim, that it may appear I do him no wrong. By which diſcourſe of his (taking for the preſent no notice of his reflection on his Majeſty for a perſon whoſe Promiſes were not real) it is agreed that the two laſt Parliaments had great opportunities of doing good to his Majeſty and his People, and my Author goes further, and adds the Hopes and Expectation of almoſt all *Europe* to them. That his Majeſty called theſe Parliaments he owns. That one of them ſat a competent time for that purpoſe cannot be denied, *viz.* from Thurſday *October* 21. 1680. till Monday the tenth day of *January* following, which deducting the time ſpent in the Trial of Viſcount *Stafford*, was in ſome mens opinions ſufficient to have diſpatched much more buſineſs than was then done. And yet it doth not appear that his Majeſty was enclined to have prorogued them then if he had not been highly provoked by them.

What my Author means by thoſe few deſperate men that prevailed upon his Majeſty ſo much againſt his Will to part with that Parliament, I cannot gueſs, except they be the Eminent Perſons which were declared Enemies to the King and Kingdom: which if they were, they are neither ſo few, nor ſuch deſperate men as to be laid aſide barely upon

a Vote of the House of Commons, *without any Order or Proceſs of Law, any hearing of their Defence, or any proof ſo much as offered againſt them.* And I believe the meaneſt of them is equal to this Gentleman, as ſcornfully as he ſpeaks of them.

The Declaration.

But then in the laſt place, whether or no the diſſolution be to be imputed to the Miniſters, or to the Parliament, *i.e.* the House of Commons will appear beſt in the examination of his diſcourſe, and of the Declaration.

Pag. 7. *It is certain* (ſaith my Author) *it cannot be imputed to any of the proceedings of either of thoſe Parliaments; which were compoſed of men of as good ſence and quality as any in the Nation, and proceeded with as great moderation, and managed their debates with as much temper, as ever was known in any Parliament.* If all this is as certainly true as it is confidently aſſerted, then is it but a folly to diſpute any further about it. But becauſe his Majeſty in his Declaration hath ſaid ſome things that ſeem to look another way, my Reader may, if he pleaſe, ſuſpend his belief of this particular too; till his Majeſties Allegations and this Gentlemans defence are examined, and then he will be better able to paſs his Judgment.

If they ſeemed to go too far in any thing, his Majeſties Speeches or Declarations had miſled them, by ſome of which they had been invited to enter into every one of thoſe debates to which ſo much exception hath been ſince taken. Did he not frequently recommend the proſecution of the Plot to them, with a ſtrict and impartial inquiry? Did he not tell them, That he neither thought himſelf nor them ſafe, till that matter was gone through with? Yes doubtleſs his Majeſty did all this; but then where is any exception taken againſt any thing of this Nature they have done?

Speech. Octob. 21. 1680.

Pag. 8. *Did he not in his Speech* April 30, 1679. *aſſure them that it was his conſtant care to ſecure our Religion for the future in all events; and that in all things which concerned the Publick*

Publick Security, He would not follow their Zeal, but lead it. But, Sir, did not his Majesty then also let you know that he excepted one thing, in which he would neither lead, nor follow their Zeal, which was the altering the descent of the Crown in the right Line, or defeating the Succession, which his Majesty commanded to be further explained by the Lord Chancellour, in such manner that it appeared to the whole Nation that his Majesty was resolved to do any thing for the freeing his People from their fears of Popery but what might tend to the disinheriting the Duke of *York*, or any other Lawful Successor? Now * you, Sir, may remember that nothing but this would satisfie the Commons in either of the two last Parliaments, in which they were not misled by any of his Majesties Speeches or declarations, much less by this which was made of purpose to prevent the Bill before it was moved in the House of Commons.

Addres to the Freemen and Freeholders, *Part* II. *pag.* 22.

* Though his Majesty could not do that without acting contrary to his own judgment, strengthened with the Opinion and Advice given by his Royal Grandfather, King *James* of blessed memory, to his Eldest Son Prince *Henry*, in these words: *But if God give you not Succession, defraud never the neareſt by right, whatsoever conceit ye have of the person. For Kingdoms are ever at Gods disposition, and in that case we are but live-renters, lying no more in the Kings, nor Peoples hand to dispossess the righteous Heir.* Basil. Doron. 62. ult. Ed.

Has he not often wished that he might be enabled to exercise a power of Dispensation in reference to those Protestants, who through tenderness of misguided Conscience did not conform to the Ceremonies, Discipline, and Government of the Church: and promised that he would make it his special care to encline the wisdom of the Parliament to concur with him in making an Act to that purpose? And did not that very Parliament draw up a long Address to his Majesty, containing the reasons why they could not concur with him in that point? And is not this one good proof that his Majesty was not unmindful of his Declaration at *Breda*, but was kept from doing what he was otherwise enclined enough to, not by a few desperate men, but by the Parliament?

Pag. 8. Speech, *Octob.* 26. 1662.

Speech, *Decem.* 26. 1662.

Pag. 8. *And leaſt the malice of ill men,* (*i. e.* the Diſſenters) *might object, that theſe gracious inclinations of his continued no longer than while there was a poſſibility of giving the Papiſts equal benefit of a Toleration. Has not his Majeſty, ſince the diſcovery of the Plot, ſince there was no hopes of getting ſo much as a connivance for them in his Speech of* March 6. 167⅘. *expreſs'd his zeal not only for the Proteſtant Religion in general, but for an Union amongſt all ſorts of Proteſtants.* His Majeſties words here are not truly recited, but are theſe: *I meet you here with the moſt earneſt deſire that man can have to unite the minds of all my Subjects both to me and to one another, and I reſolve it ſhall be your faults if the ſucceſs be not ſuitable to my deſires,* &c. And a little after; *Beſides that end of Union which I aim at* (*and which I wiſh could be extended to Proteſtants abroad as well as at home*) *I propoſe by this laſt great ſtep I have made* (the ſending away his Royal Highneſs the Duke of *York*) *to diſcern whether Proteſtant Religion and the peace of the Kingdom be as truly aimed at by others as they are really intended by me,* &c. By which it appears the Union his Majeſty here meant was not that Union that was afterwards ſet on foot in Parliament, and I cannot but ſuſpect theſe words were miſrecited of purpoſe.

Pag. 8. *And did not he comand my Lord Chancellour to tell them, That it was neceſſary to diſtinguiſh between Popiſh and other Recuſants, between them that would deſtroy the whole flock, and them that only wander from it.* Theſe words are indeed in the Lord Chancellors Speech but with this Preface, *Neither is there, nor hath been theſe fifteen hundred years, a purer Church than ours, ſo 'tis for the ſake of this poor Church alone that the State hath been ſo much diſturbed. It is her Truth and Peace, her Decency and Order which they* (the Plotters and Papiſts) *labour to undermine, and purſue with ſo reſtleſs a malice; and ſince they do ſo, it will be neceſſary for us to diſtinguiſh between Popiſh and other Recuſants, between them*

Speech, *Mar.* 6 167⅘.

them that would deſtroy the whole Flock, and them that only wander from it. So that whatever diſtinction his Majeſty intended to allow between the Popiſh and Proteſtant Recuſants, it muſt be ſuch as was conſiſtent with the Truth, Peace, Decency, and Order of the Religion by Law eſtabliſhed, which I ſuſpect the Project of Union ſet on foot was not, much leſs the Vote of the tenth of *January* for the ſuſpending the execution of all Penal Laws made againſt them, *as a weakening of the Proteſtant Intereſt, an encouragement to Popery, and dangerous to the Peace of the Kingdom.*

Theſe things conſidered, we ſhould not think the Parliament went too far, but rather that they did not follow his Majeſties Zeal with an equal pace. Pag. 8. At this rate of concluding a man may draw any Concluſion from any premiſes if he hath a mind to it. His Majeſty would joyn with them in any courſe that might tend to the ſecurity of the Proteſtant Religion for the future, *ſo as the ſame extend not to the diminution of his own Prerogative, nor to alter the deſcent of the Crown in the right Line, nor to defeat the Succeſſion.* Lord Chancellors Speech, *March* 6. 167⅘. Therefore when they brought in a Bill to diſinherit his Majeſties Brother againſt his expreſly declared reſolution, they did not go too far, but rather they did not follow his Majeſties Zeal with an equal pace. When his Majeſty thought it neceſſary to diſtinguiſh betwixt Popiſh Recuſants, and Proteſtant Diſſenters; that is, to favour the latter more than the former, they were for taking away all thoſe Laws at once that have diſtinguiſhed betwixt the Diſſenters and the Religion eſtabliſhed, and giving up this Pure Church into the hands of her bitter Enemies, that had but juſt before bid fair for her ruine; as if the only care had been, that the Papiſts might not have had the honour of deſtroying her, and yet we are not to believe they went too far in this neither.

Pag. 9. *The truth is, if we observe the daily provocations of the Popish Faction, whose rage and insolence were only increased by the discovery of the Plot, (so that they seemed to desie Parliaments, as well as inferiour Courts of Justice, under the Protection of the Duke, their Publickly Avowed Head;) who still carried on their designs by new and more detestable methods than ever, and were continually busie by Perjuries and Subornations, to charge the best and most considerable Protestants in the Kingdom with Treasons as black as those of which themselves were guilty. If we observe what vile Arts were used to hinder the further discovery, what liberty was given to reproach the Discoverers, what means used to destroy or corrupt them; how the very Criminals were incouraged and allowed to be good Witnesses against their Accusers: We should easily excuse an English Parliament thus beset, if they had been carried to some little Excesses not justifiable by the Laws of Parliament, or unbecoming the wisdom and gravity of an English Senate.*

Now other men may possibly be of another mind, and think that if the state of things had been but half so deplorable as they are here described, the least Excess had been then inexcusable, for there is never more need of gravity than in great and eminent dangers; but what I shall say will, it is like, not be much regarded, hear then what the Chancellour of *England* said: *The Considerations which are now to be laid before you are as Urgent and as Weighty as were ever yet offered to any Parliament, or indeed ever can be, so great and so surprizing have been our Dangers at home, so formidable are the appearances of danger from abroad, that the most United Counsels, the most Sedate and the calmest Temper, together with the most dutiful and zealous affections that a Parliament can shew, are all become absolutely and indispensably necessary for our preservation.* So that little excesses are great crimes; when men are beset with dangers tho they may be excused in times of Peace and

Speech *Mar.* 6. 167½.

Securi-

Security, if I rightly understand this wise and honourable person.

But if we come to search into the particulars here enumerated, there may possibly arise better Arguments to excuse their Excesses. The Popish Faction about that time having tried all other ways to clear themselves of the Plot, without any good success, fell at last upon another Project, which was to start a New Plot. They knew there were in *London* some Clubbs, and Coffee-house-Sets, of Presbyterians, Old Army Officers, discontented Gentlemen, and Republicans, which had close Cabals, and private Meetings, and that the Court had a jealous eye upon them, as indeed there was good cause for it, and out of these materials they thought they might easily raise the structure of a Presbyterian Plot against the State, but all the chief men of the Popish Faction being fled, imprisoned, or executed, this grand Design fell into the hands of people of no great either parts or reputation, to carry on so difficult an Undertaking, and it was not likely neither to be easily believed if it had no other Witnesses but Papists to attest it. And it was not possible for them to bring over any other, of any reputation, in the low estate their affairs then were, so that the Contrivance miscarried, and only tended to make the Papists more hated than they were before, and this is called the Meal-Tub Plot; which I should rather have ascribed to the rage and desperation of the Papists, than to their Insolence, which was then very well abated by the Execution of *Coleman*, *Staley*, the Murtherers of Sir *Edmundbury Godfry*, and the Jesuits, which had reduced them to too low a condition to defie the meanest Courts of Justice in the Nation, and put them upon those mean and base thoughts of Perjuries and Subornations, to avoid that ruine which they saw ready to overwhelm and destroy them.

But

But that which they were never able to effect themſelves the Diſſenters did for them, for from the moment the Popiſh Plot was diſcovered they entered into a project to make uſe of it another way againſt the King and Court on one hand, and againſt the Church and the Loyal Gentry on the other.

In order to this they had theſe cloſe Cabals, and private Meetings, (I laſt mentioned) where they invented and ſpread abroad a thouſand idle Stories to fright the Common People out of their little Wits; and alſo raiſed Money, which they liberally beſtowed amongſt the Informers to render them more obſequious to them, ſo that in a ſhort time Informing became a very thriving trade, if it would have held; and this great familiarity betwixt the diſcoverers of the Plot and the Whigs was the beſt colour afterwards for the Meal-Tub Presbyterian Plot.

By this means the People were eaſily deluded into a conceit that theſe Gentlemen who took ſuch care of the Diſcoverers, and their Party, who were always haranguing againſt Popery, were the only Proteſtants in the Nation that could ſave them out of the hands of the Papiſts. And on the other ſide, the Court and all the Loyal Gentry and Clergy became ſuſpected of want of zeal againſt Popery; and this was heightned by the Diſcoverers themſelves, who were for the moſt part men of no very great or good qualities, and were ſo puffed up by the flatteries and Liberalities of the Whigs, and their own high conceits of the Service they had done the Nation, that they thought no recompence, no reſpect which was beſtowed upon them was great enough, and ſo became inſolent both in their carriage and diſcourſes, by which means they became leſs reſpected than before, till at laſt they were forced to give themſelves up intirely to the Whigs.

This had two very different effects upon ſeveral ſorts of men, ſome believed that there was no Popiſh Plot, after

they saw the Dissenters reap all the advantage by it. And others thought that all but the Dissenters were more or less concerned in the guilt of it as well as the Papists, or at least were favourers of the Papists and Popery.

Things being in this state, especially after the dissolution of the Long Loyal Parliament, the Discoverers lost much of their reputation, but that ever any vile Arts were used to hinder any further discovery of the Plot by any but the Papists, or that liberty was given to reproach, or any means used to corrupt or destroy them that were the Witnesses, except it were by Papists, doth not appear, and in all those cases, all the care in the world was taken of the Witnesses too, by the King and his Council. And as to that which my Author mentions in the last place, How the very Criminals were incouraged and allowed to be good Witnesses against their Accusers, I cannot imagine what he means by it; or when, or where it should be done, tho I have read over all the Printed Trials, and therefore it is enough to deny this, and put him upon the proof of it.

But how did all these things tend to the advantage of the Popish Plotters in the end?

First, As the Zeal of these people fired the Rabble, so it put the Long Loyal Parliament too into so great a fret, that it proved mortal; and then going downward, it put the Country into such disorder, that tho his Majesty hath given us the opportunities of chusing three Parliaments one after another, we have not been able to send up one, that has not fallen into those *little Excesses* which have occasioned their dissolution before they had done us any considerable good. And at length his Majesty is forced for some time to keep us without one; to try if Fasting will bring us into our senses again, and in the mean time the noise of the Popish Plot is drowned, by new and more surprizing attempts of the Whigs, and that Popish Party, which whilst

it had none but real Papiſts in its Liſt, was the abomination of all Proteſtants, now the Whigs have joyned all the Church of *England* men to them by their lies and ſlanders, even that very Popiſh Party begin to be better thought of for their ſakes who are falſly joyned with them, and by theſe and many other ways the proſecution of the Popiſh Plot any further is thought by moſt men impoſſible. Whereas had not the Diſſenters been thus ſerviceable to them, there is reaſon to believe they would have ſuffered much more than they have done, and there would have been much ſharper Laws made againſt them, than they need fear now.

If all this be conſidered, it will eaſily appear, it was not the Protection of the Duke, whom this Gentleman can never prove the Publickly avowed Head of the Papiſts, but the over-doing of the buſineſs, that hath delivered the Popiſh Faction out of that fear and danger which the diſcovery of the Plot had caſt them into.

Pag. 9. *We muſt own* (ſaith my Author) *that his Majeſty has opened all his Parliaments at* Weſtminſter *with very Gracious Expreſſions, nor have we wanted that Evidence of his readineſs to ſatisfie the deſires of his Subjects; but that ſort of Evidence will ſoon loſe its force if it be never followed by Actions correſpondent; by which only the World can judge of the ſincerity of Expreſſions or Intentions.*

Had the two ſhort Parliaments at *Weſtminſter* been the only Parliaments his Majeſty had ever called ſince his return, there might have been ſome colour for this undutiful reflection, but all the World knows there were two there before them, and that his Majeſty complied with them in almoſt all they asked in a regular way, and when at any time he was neceſſitated to deny them any requeſt, he gave them ſuch reaſon for it, as they ſeemed to be well pleaſed with his denial.

It will appear to any man that his Majesty hath passed more Acts in twenty years than any one of his Ancestors have done in twice the time, that he hath abated more of his just and real Prerogative than any Prince we ever yet had could be brought to part with. The Court of Wards, and the Right of Purveyance, were great advantages to the Crown, and as troublesom to the Subjects till his Majesty generously gave them up, and these two Prerogatives were never Contested, and I might instance in some other if I did not think it fit to be as short as I can.

In almost twenty years that the Long Loyal Parliament sate, I never heard of above one Bill that had passed both Houses, which was denied his Royal Assent, and that was, *The Bill for preserving the peace of the Kingdom by raising the Militia, and continuing them in duty for two and forty days; which Bill was refused* November 30. 1678. *and then also his Majesty gave this reason for it: That he did not refuse to pass it for the dislike of the matter, but the manner, because it put the Militia for so many days out of his power, and if it had been but for half an hour he would not have consented to it, because of the ill consequences it might have hereafter, the Militia being wholly in the Crown,&c.* Now I believe it would be difficult for my Author to make and prove the like instance, in any of our former Princes.

And in the first of the short *Westminster* Parliaments his Majesty passed the Act for the better securing of the Liberty of the Subject, and for preventing imprisonment beyond Seas, to which an honourable Person adds, *The Act against quartering of Souldiers upon the Subject, and saith, his Majesty might have had many Millions for these Acts if he had insisted on a bargain, or known how to distinguish between his own private Interest and that of the Subject, or the truckling way of Bartering when the good of his People was concerned.* A seasonable Address to both Houses of Parliament, pag. 4.

And in the laſt ſhort-lived *Weſtminſter* Parliament his Majeſty paſſed the Act againſt Importation of Iriſh Cattel, for no other viſible cauſe, but becauſe both Houſes had paſſed it, tho it tended to the Diminution of his Revenue. And now let us ſee how gratefully our Author treats him for all theſe Royal and Prince-like Favours.

Pag. 9. *Therefore the Favorites did little conſult his Majeſties Honour when they bring him in ſolemnly declaring to his Subjects, that his intentions were as far as would have conſiſted with the very Being of the Government, to have complied with any thing that could have been propoſed to him to accompliſh thoſe Ends he had mentioned, which were the ſatisfying the deſires of his Subjects, and ſecuring them againſt all their juſt fears, when they are not able to produce an inſtance wherein they ſuffered him to comply in any one thing. Whatever the Houſe of Commons Addreſſed for, was certainly denied, tho it was only for that reaſon; and there was no ſurer way of Intituling ones ſelf to the favour of the Court, than to receive a Cenſure from the repreſentative body of the People.*

As to the Addreſſes made by the Houſe of Commons alone, they were many of them ſuch as his Majeſty could not comply with without great miſchief to himſelf or them that had expreſt the greateſt Zeal for his Service, and when for that caſe only they ſeemed to be perſecuted, it would have been very impolitick in his Majeſty, tho he had been his own man, and not under the dominion of the Favorites (as it ſeems he was) to have yielded to the Commons againſt them.

But cannot the Favorites inſtance wherein they ſuffered his Majeſty to comply in any one thing with the Houſe of Commons? Did not his Majeſty at their ſingle requeſt Pardon a great many Informers againſt the Plotters? Did he not pardon *B. Harris* too, his 500 *l.* Fine and Impriſonment which he had incurred by Printing diſloyal and ſeditious Pamphlets?

Pamphlets? Did not his Majesty upon their Addres discharge all the Protestant Dissenters who were then under prosecution upon several Penal Statutes, without paying Fees, as far as it could be done according to Law, and promise also to recommend them to the Judges? There might many other instances be given, of moneys issued out, of persons taken care for, and the like upon the single request of the Commons, so that I cannot but wonder where my Authors modesty was when he pressed the Favorites to give one instance of his Majesties compliance with the House of Commons.

But his Majesty and the Court were kind to all that received any Censure from the representative body of the People. They might thank themselves for that who bestowed their Censures so freely on men that had deserved very well of his Majesty and the Government, and yet I believe there may be some instances given of men whom they Censured or imprisoned, that have not been mightily advanced since by the Court, but let us examine those few particular Examples my Author hath marked out.

Let it for the present be admitted (saith my Author) *that some of the things desired by that Parliament were exorbitant, and* (*because we will put the objection as strong as is possible*) *inconsistent with the very being of the Government, yet at least some of their Petitions were more reasonable.* Pag. 10.

Doubtless there was some such, which therefore were freely granted by his Majesty, as I have proved.

The Government might have subsisted though the Gentlemen put out of the Commission of the Peace for their zealous acting against the Papists had been restored. Pag. 10.

And so might the Protestant Religion by Law established be preserved without the assistance of these zealous Gentlemen, and therefore his Majesty was not to be instructed by these Representatives, whom he should imploy as Justices of

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of the Peace, especially after they had discovered so much kindness for the Dissenters, who have something an odd Notion of Papists and Popery.

Pag. 10. *Nor would a final Dissolution of all things have ensued, tho Sir* George Jefferies *had been removed out of all Publick Offices, or my Lord* Hallifax *himself from his Majesties Presence and Councils.*

The first of these, Sir *George Jefferies* was then Votes. *Nov.* 13. 1680. Recorder of *London*, and was prosecuted by a part of the City, for that he by traducing and obstructing Petitioning for the sitting of that Parliament, had betrayed the Rights of the Subject. Now that Gentleman opposed them (as many others did) in obedience to his Majesties Proclamation, and the Laws of the Land; and it was a little unreasonable that his Majesty should joyn with the Commons to ruine him, though it could be made out that his Majesties Proclamation was illegal, and that there were a mistake also in the point of Law.

My Lord *Hallifax* was prosecuted only for opposing the Bill for disinheriting the Duke of *York* in the House of Lords, and no fault whatsoever laid to his charge. Now he being a Member of that House, it had been very unreasonable for his Majesty to have punished him for using his own just and legal freedom, in a case especially wherein his Majesty had declared his own resolution so very often before.

Now, Sir, tho these two Persons are not essentially necessary to the preservation of the Government, yet it is absolutely so, that his Majesty do not give up those that have faithfully and legally served him in their proper Stations, either to please the People or their Representatives, without a legal trial, and a just defence. We may all remember what the Consequences of his Majesties Fathers giving up the Earl of *Strafford* in the beginning of the late troubles were; and I hope I shall never live to see that sort of compliance reacted again.

Had

Had the Statute of 35. Eliz. *(which had juſtly ſlept for Eighty years, and of late, unreaſonably * revived) been repealed, ſurely the Government might ſtill have been ſafe. And though the Fanaticks perhaps had not deſerved ſo well as that in favour to them, his Majeſty ſhould have paſſed that Bill, yet ſince the Repeal might hereafter be of great uſe to thoſe of the Church of* England, *in caſe of a Popiſh Succeſſor, (which Bleſſing his Majeſty ſeems reſolved to bequeath to his People) one would have thought he might have complied with the Parliament in that Propoſal.* Pag. 10.

* 16 Car. 2. c. 4.

It is very probable his Majeſty would have complied with them in that particular, tho it is paſt a perhaps the Fanaticks had not, nor ever will as long as they continue ſuch, deſerve that favour at his hands: But, modeſt Sir, how doth it appear that his Majeſty is reſolved to bequeath his People the Bleſſing of a Popiſh Succeſſor? Hath he promiſed the Duke to die before him? Hath his Majeſty obliged him to continue a Papiſt (if he be one) in ſpight of his Intereſt to the contrary? Is this your Juſtice? Is this your Modeſty?

But the Miniſters thought they had not ſufficiently triumphed over the Parliament by getting the Bill rejected unleſs it were done in ſuch a manner as that the precedent might be more pernicious to Poſterity, by introducing a new Negative in the making of Laws, than the loſing the Bill, how uſeful ſoever, could be to the preſent Age. Pag. 10.

That this Bill was not tendered to his Majeſty for his Aſſent appears by three Votes of the Commons at *Oxford*.

The Houſe then according to their order (the day before) took into conſideration the matter relating to the Bill which paſſed both Houſes in the laſt Parliament, entituled, An Act for the repeal of a Statute made in the 35 *year of the Reign of Queen* Elizabeth, *but was not tendered to his Majeſty for his Royal Aſſent.* Friday, March 25. 1681.

Reſolved,

Resolved, that a Message be sent to the Lords, desiring a Conference with their Lordships in matters relating to the constitution of Parliaments, in passing Bills.

Ordered that a Committee be appointed to consider of, and prepare the subject matter to be offered at the said Conference.

Thus far that Parliament went in order to the discovery of the cause of the not tendering that Bill, and I have heard the Lords also were upon an inquiry what was become of it, but the dissolution preventing them, I never heard that there was any discovery made then or since of the person or persons that took it away.

Now where my Author had his intelligence that the Ministers took it away to introduce a new Negative in the making of Laws, I shall not inquire.

Pag. 10. *This we may affirm, That if the success of this Parliament did not answer expectation, whoever was guilty of it, the House of Commons did not fail in doing their part. Never did men husband their time to more advantage. They opened the Eyes of the Nation, they shewed them their danger, with a freedom becoming English men.*

It was a Caution given by Queen *Elizabeth* in the end of a Parliament held in the 35th year of her Reign: *That she would not have the People feared with reports of great dangers, but rather encouraged with boldness against the Enemies of the State,* And what the effect of our new Politicks was once before we well remember.

Historical Collect. of the four last Parliaments of Q. *Eliz.* p. 47.

They Asserted the Peoples right of Petitioning.

Yes, that they did too very effectually. Tho there was an Act of Parliament then in force, with this Preface.

13 Car. 2. ca. 5. **Whereas it hath been found by sad experience that tumultuous and other disorderly soliciting, and procuring of hands by private persons to Petitions, Complaints, Remonstrances, and Declarations, and other Addresses to the King, or both or either Houses**

houſes of Parliament, for alteration of Matters eſtabliſhed by Law, redreſs of pretended Grievances in Church or State, OR OTHER PUBLICK CONCERNMENTS, have been made uſe of, to ſerve the Ends of factious and ſeditious perſons gotten into power, to the violation of the Publick Peace, and have been great means of the late unhappy Wars, Confuſions, and Calamities of this Nation, &c.

They Proceeded vigorouſly againſt the Conſpirators diſcovered, and heartily endeavoured to take away the very Root of the Conſpiracy. They had before them as many great and uſeful Bills as had been ſeen in any Parliament, and it is not to be laid at their doors that they proved abortive. This Age will never fail to give them their grateful Acknowledgments, And Poſterity will remember that Houſe of Commons with honour.* Pag. 10.

* By the Bill to diſinherit his Royal Highneſs.

Jamque opus exegit: quod nec Jovis ira, nec ignes
Nec poterit ferrum, nec edax abolere vetuſtas.
Nomenque erit indelebile veſtrum.

And now the work is ended, which *Jove*'s rage,
Nor fire, nor Sword ſhall raſe, nor eating Age,
And their immortal name ſhall never die.

We come now to the particular enumeration of thoſe gracious things which were ſaid to the Parliament at Weſtminſter. *His Majeſty ask'd of them the ſupporting the Alliances he had made for the preſervation of the General Peace in Chriſtendom. It is to be wiſhed his Majeſty had added to his gracious asking of Money a gracious Communication of thoſe Alliances, that ſuch blind obedience had not been exacted from them as to contribute to the ſupport of they knew not what themſelves, nor before they had conſidered whether thoſe Alliances which were made, were truly deſigned for that End* Pag. 11.

which was Pretended (very dutifully said) *or any way likely to prove effectual to it, since no precedent can be shewn, that ever a Parliament* (*not even the late Long Parliament, tho filled with* Danby *his Penſioners*) *did give money for maintaining any Leagues till they were firſt made acquainted with the particulars of them.*

That Leagues have been communicated to Parliaments heretofore is not to be diſputed, but that they were ever tendered before they were asked for, is not ſo plain; Nor doth it appear this was denied. And as to his Parentheſis I deſire only that it may be obſerved for my excuſe, in caſe I happen to ſpeak any thing not reſpective enough of the renowned Parliament at *Weſtminſter.*

Pag. 11. *But beſides this, the Parliament had reaſon to conſider well of the general Peace it ſelf, and the influence it might have, and had, upon our Affairs, before they came to any reſolution, or ſo much as a debate about preſerving it; ſince ſo wiſe a Miniſter as my Lord Chancellor* (bleſſed be God we have one wiſe Miniſter, they have all along hitherto in general terms been treated at ſuch a rate as if none of them had had either Wit or Honeſty) *had ſo lately told us, that it was fitter for meditation than diſcourſe. He informed us in the ſame Speech, that the Peace then was but the effect of Deſpair in the Confederates, and we have ſince learnt by whoſe means they were reduced to that Deſpair, and what price was demanded of the French King for ſo great a Service.*

Lord Chancellors Speech. *May* 23. 1678. The words are theſe: *The influence ſuch a Peace will have upon our Affairs are fitter for Meditation than Diſcourſe.——Therefore it will import us to ſtrengthen our ſelves at home and abroad, that it may not be found a cheap or eaſie thing to put an Affront upon us.*

It is an old Maxim, That men ſhould neither deliberate nor debate about thoſe things that are not in their power. Now, whatever this General Peace was, and whatever the effects of it might be, the right of Peace and War was in the King, and the Commons could not alter one tittle of it: And a ſmall degree of experience in the World will tell

tell any man, that *England* was not then in a condition to break alone with that Monarch, which had tired out all Christendom with a tedious expensive War, when they were united against him: And therefore the best Expedient that could then have fallen into the Heads of the Commons had been to have shewn him, and all the Confederates, that we were resolved to have stood by our King with our Lives and Fortunes, which would have heartned them on to a stout resistance in case of his further encroachments upon them, and in likelihood have kept him in some aw; whereas the course that was taken had a quite contrary effect, and tended more a thousand times to the discouragement of the Confederates than the fruitless attempt he hints at, made by the Earl of *Danby*, who was then in the Tower for it. So that I believe all *Europe* will bear me Witness, that all the great things the French King hath since done were in a great measure owing to the * disorders of our English Parliaments, and their declared resolution of giving the King no Supplies upon reasonable terms, which rendered the Alliance and Enmity of our King abroad inconsiderable.

*Dr. *Nalson* observes, that the like disorders had the same effect in the time of His Majesties Father, who (he saith by this means) lost the opportunity of being able to support his Friends and Allies, as also that Honour and Terrour among his Enemies Abroad, which the Union and hearty Affections of his Parliament, would have rendred great and dreadful, but now he became mean and contemptible; that Prince who hath not power over his own Subjects at home being in no probable capacity of doing any great matters abroad. *Preface to his Impartial Collection.* Pag. 61.

Amongst the great things the French King hath done since the Peace, my Author tells us this: *His Pensioners at our Court have grown insolent upon it, and presumed that now He* (the French King) *may be at leisure to assist them* (the Pensioners) *in ruining* England, *and the Protestant Religion together.* (*And they*) *have shaken off all dread of Parliaments, and have prevailed with his Majesty to use them with as little respect, and to disperse them with as great contempt,* Pag. 11.

as if they had been a Conventicle, and not the great Repreſentative of the Nation, whoſe Power and Wiſdom only could ſave him and us in our preſent Exigencies.

Surely the man that talks thus contemptuouſly of his Majeſty and all the Miniſters, durſt have told us, if he could, who were theſe French Pentioners, but it was not his deſign to point out the men; but to caſt out general Accuſations againſt the King, the Miniſters, and the whole Government, thereby to incenſe the People, and to make them ungovernable, that ſo his Majeſty might be the ſooner neceſſitated to ſubmit himſelf to that *Power and Wiſdom that could only ſave him and us*, but might alſo eaſily ruine both, if things were once put into ſuch a ſtate, as his Majeſty were no longer Maſter of that Power.

As to the Accuſation, or rather Calumny, that the Engliſh Miniſters are Penſioners to the French King, it will eaſily appear falſe to any man that doth but reflect on *Colemans* Letters, in 1674. when the King was in a much better condition to oppoſe and ruine the French deſigns and enterprizes, and the French King had all the Confederates United, and in an Actual War with him, and there was nothing to fear or hope for but in *England*, yet he then refuſed three hundred thouſand Pounds, tho it was pretended it would have a[illegible]ed the Diſſolution of that long Loyal Parliament, which *France* feared more than threeſcore ſuch as have followed it; and when at laſt *Coleman* deſcended to 200000 *l.* and at one time begged ſhamefully but for 20000 *l.* *He was denied it, Monſieur* Rouvigni, *the French Embaſſadour, uſually telling him, That if he could be ſure of ſucceeding in that deſign his Maſter would give a much larger Sum; but that he was not in a condition to throw away money upon uncertainties*, Nor doth it appear that ever *Coleman* got one farthing at that time.

Colemans long Letter.

And after the diſcovery of the Plot, and the diſſolution of the long Loyal Parliament, the general Peace having

delivered

delivered the French King from all Apprehenſions of good or hurt from *England*; His Majeſty having ſuch ill ſucceſs in the firſt ſhort *Weſtminſter* Parliament, and the Diviſions of *England* appearing more fully in the Election of the Second, and the year that paſſed betwixt that and its ſitting, (all which were as well known in *Paris* as in *London*) it is not to be doubted but he very well underſtood that there was then leſs reaſon to maintain Penſioners in *England* than before. So that we may conclude from that time there hath come but little French Money over into *England* for Penſions to any Party, *England* being thought in *France* ſo inconſiderable by reaſon of her Domeſtick Feuds, Fears, and incurable Jealouſies; that there is nothing to be feared or hoped from it; whereas Penſions are to be imployed in Potent and United States.

I do not deſign by this to prove that no French Penſioners are now maintained in *England*, but that they are few, and gain but little by it, and therefore it is ridiculous to conceive that all our Miniſters of State are ſuch, and that they ſhould be ſuch fools as to conſpire with *France* to ruine *England* for nothing, or that which is next to it. And it is as ſilly a ſuppoſition that the Privy Council, and the reſt of the Miniſters of State, who are not Penſioners, ſhould not diſcover thoſe that are, as ſoon as this diſcontented Gentleman.

There is a lewd and impoſſible conceit ſpread underhand about the Nation that the King himſelf is a Penſioner to *France*: and all that is pretended to juſtifie it, is only his being able to ſubſiſt ſo long without Parliamentary Supplies. Now, this I believe is not credited by any men of underſtanding, but yet there are many ſuch, who for ill ends ſpeak it in ſome companies, and will ſhake their heads, and ſhrug their ſhoulders, and look gravely in other companies, that they may ſeem to fear what they durſt not ſpeak.

Now,

Now, if what I have ſaid before be applied to this inſtance, it will appear more ridiculous; for that Penſion that may tempt a hungry Courtier, who is to raiſe a Family, would be rejected with ſcorn if it were tendered to a meaner Prince than ours is. And it is not to be thought that the French King, who is obſerved to be as ſparing of his Wealth, as prodigal of his Souldiers, would ever be at ſuch an Expence as to maintain our Court and his own; for fear the King ſhould unite with a Parliament that would be an Enemy to *France*; no, all knowing men underſtand how little he cares for *England* if it were quiet at home, but as now things ſtand he ſcorns it, as beneath his Conſideration.

Well, but if neither the Miniſters, nor his Majeſty are to be ſuſpected, who are? I will tell you that in the words of a more knowing man than I dare pretend to be.

A ſeaſonable Addreſs to the Parliament. *pag.*6,7.

Thoſe that roar moſt againſt French Councils and Meaſures; Under-hand-bargains, and Agreements, between both the Kings, know they belye their own Conſciences, and that the French have us in the laſt degree of Contempt. This the Earl of Danby *Printed in his own vindication, perhaps not ignorant that ſome of their Miniſters did in the year* 1677, *and* 78. *before the breaking forth of the Plot, declare, That Monſieur* L. *had greater intereſt, and more Friends in* England *than the Duke of* York; *that the King had need be on his guard, for he was in great danger of running the ſame riſque with his Father, when it was likewiſe inquired what intereſt amongſt the People two great Peers had, who have ſince the Plot been great Pillars of the Proteſtant Religion, tho neither was ever reputed to have any, were Miniſters and Adviſers in* 1670, *and* 71. *very good Friends to* France *and Popery, Enemies to the Triple Alliance, and to* Holland, *&c. It was alſo ſaid, That* 300000 *l. a year beſtowed in* Scotland *and* England, *among the Factious and Diſcontented, would better ſerve the Intereſt of* France, *than any Bargain they could drive*

drive with the Miniſters. Thus far that noble Pen hath diſcovered who are the French Penſioners, and Reaſon ſpeaks the ſame thing: For if it be the Intereſt of *France* to divide *England*, it is their Intereſt too, to do it as cheap as they can, and there is no doubt to be made of it but 10000 *l.* a year, divided amongſt the *London* Holders-forth, and the *Wallingfordians*, on no other condition but that they ſhould declaim ſtoutly againſt the King, the Court, the Miniſters, *France*, and Popery, (things which no money could make them forbear ſpeaking againſt) would more effectually engage them to go on in that courſe, than all the treaſures of *France* would the King and Miniſters to procure the Ruine of *England*, and the ſettlement of Popery; things which Nature and Education have taught them to abhor. And by this means *England* (as they might eaſily foreſee) would be ſo divided, that if a Civil War did not follow, yet at leaſt there would be no fear of its being in a condition to look abroad and ſuccour its Neighbours.

To theſe men is owing all that Contempt that hath fallen upon our Engliſh Parliaments both at home and beyond the Seas, who by putting the Houſe of Commons upon thoſe things that would diſguſt the King, and all the Gentry in the Nation, have done as much as they could to make them firſt feared, and then hated by almoſt one half of the Subjects, and tends as directly to the ruine of that ancient and excellent Conſtitution as the diſorders of the Tribunes of the People, did to the ruine of the Liberty of the *Romans*.

But alas if we look into the Speech made at the opening of the Parliament, we ſhall find no mention of any new Ally except the Spaniard, whoſe Affairs at that time, through the defects of their own Government, and the Treachery of our Miniſters, were reduced to ſo deſperate a ſtate, that he might well be a burthen to us, but there was little to be hoped from Pag. 12.

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a Friendſhip with him; unleſs by the name of a League to recommend our Miniſters to a New Parliament, and cozen Country Gentlemen of their Money.

Before I can anſwer this, I ought to Tranſcribe ſo much of his Majeſties Speech as concerns this buſineſs; which is as followeth:

My Lords and Gentlemen,

The ſeveral Prorogations I have made, have been very advantageous to our Neighbours, and very uſeful to me; for I have employed that time in making and perfecting an Alliance with the Crown of Spain, *ſuitable to that which I had before with the States of the United Provinces, and they alſo had with* Spain, *conſiſting of mutual obligations of Succour and Defence.*

I have all the reaſon in the world to believe, that what was ſo much deſired by former Parliaments, muſt needs be very grateful to you now: For tho ſome perhaps may wiſh theſe Meaſures had been taken ſooner, yet no man can with reaſon think it is now too late; for they who deſire to make theſe Alliances, and they who deſire to break them, ſhew themſelves of another opinion.

And as theſe are the beſt Meaſures that could be taken for the ſafety of England, *and repoſe of Chriſtendom, ſo they cannot fail to attain their End, and to ſpread and improve themſelves further, if our Diviſions at home do not render our Friendſhip leſs conſiderable abroad.*

Now

Now all the Gentlemans Craft lay in the word *New*, there is no mention of any *New Ally*. No, but there is mention of an old one, double Confederated both with *Spain* and *England* to the ſame purpoſe, and theſe three States being thus United, as his Majeſty truly tells them, would in a little time draw in more if our Diviſions did not prevent it. Our Diviſions had that effect, and made the King a true Prophet againſt his will, and now all the blame is to be thrown upon the Miniſters, that is in reality upon the King.

Nay, our Miniſters (poor unfortunate men) muſt bear the reproach of Ruining not only *England*, but *Spain* too by their Treachery: but yet our kind Author doth not lay all that burthen upon their ſhoulders, but confeſſeth that their ill Governing had a part in it; but however it came to paſs, *Spain* was in ſo deſperate a ſtate then that it might be a burthen to *England*, but no ways beneficial. And yet before the end of this very Paragraph he is in a dreadful fear that *Spain* ſhould joyn with his Majeſties Succeſſor, and for the introduction of Popery make a War upon the People with all his Forces by Sea and Land. At this rambling rate does our Gentleman talk.

It cannot be denied but that the Affairs of *Spain* were very ill managed at that time, but then that was owing to the Minority of their King, the Factions in their Court, the Conteſts betwixt *Don John* and the Queen-Mother their Regent, and their two Parties, and it is not improbable the French King might have ſome few Penſioners in *Spain* as well as *England*; but yet that once moſt potent Kingdom was not ſunk to ſo low an Ebb of Fortune as to be only a burthen to its Allies, tho it had need of them, and ought by all the rules of Policy to have been ſo much the more carefully ſecured and ſupported by them, eſpecially by *England*.

And therefore our Country Gentlemen, who were too wise to be cozened of their money by the crafty Ministers, will, I hope, not lay it to their charge too, that the Affairs of *Spain* have ever since visibly declined, and the French King hath taken near as much from his Neighbours during the Peace, upon pretence of Dependencies by Process, as he got in all the War by his Sword and potent Armies. For this seems in great part at least, not so much owing to the *Treachery of our Ministers*, as to the Tenacity and thriftiness of these *Country Gentlemen, that were so shie of being cozened of their Money.*

Pag. 12. *But upon the perusal of the League, it appears by the 3, 4, and 5. Articles, that it was like to create us troubles enough, for it engages us indefinitely to enter into all the quarrels of the Spaniards, tho they happed in the* West Indies *or the* Philippine *Islands, or were drawn upon himself by his own injustice or causeless provocations.*

Whether my Author have been any more faithful in his account of this League, than he was of the Kings Speech I cannot say; because it is not in my power to examine those Articles. But his mentioning our obligation to assist *Spain* in the *West-Indies* and *Philippine* Islands, where it is impossible, against the Duke of *Brandenburg*, and the King of *Portugal*, where it would be unjust, and against his Protestant Subjects oppress by him, as they were by his Grandfather *Philip*, are such things would make a man suspect his sincerity a little; and the rather, because his Majesty tells us, *The League was suitable to that which he had before with the States of the United Provinces, and they also had with* Spain, *consisting of mutual obligations of Succour and Defence.*

Now, the account my Author gives of it is in part so impossible, and in the rest so improbable, that no Mortal in his right Wits can believe that *Spain* should desire, or *England* grant, any such things. And therefore if he had

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at all expected to have been believed, he ought to have Transcribed those three Articles for a proof of what he had said. And whereas he tells us, it engages us indefinitely to enter into all the quarrels of the *Spaniards*. That, if true, will bear a fair Construction, and will no more oblige us to those things he mentions (if they be not expres'd, (nay, I think I may say, if they be) in plain terms) than it will to help the King of *Spain* to destroy our selves, in case he should happen to have a quarrel with us hereafter. For no League can bind any further than as it is just and possible.

Verba strictius quam fere proprietas, sumenda erunt, si id necessarium erit ad vitandam iniquitatem, vel Absurditatem, at si non talis est necessitas, sed manifesta æquitas vel utilitas in restrictione, subsistendum erit intra arctissimos terminos proprietatis nisi Circumstantiæ aliud suadeant. Grot. de jure Belli & Pacis, lib. 2. cap. 16. sect. 12.

But that which concerns us yet nearer (saith my Author) *in this League, is, that this obligation of Assistance was mutual, so that if a Disturbance should happen hereafter in* England *upon any attempt to change our Religion, or our Government, tho it was in the time of his Majesties Successors. The most Catholick King is obliged by this League,* (*which we are still to believe was entered into, for the security of the Protestant Religion, and the good of the Nation*) *to give aid to so pious a design, and to make War upon* (their Majesties) *the* People *with all his Forces both by Land and Sea. And therefore it was no wonder that the Ministers were not forward in shewing this League to the Parliament, who would have soon observed all these inconveniences, and have seen how little such a League could contribute to the preserving the General Peace, or to the securing of* Flanders, *since the French King may within one months time possess himself of it, and we by our League are not obliged to send our Succours till three months after the Invasion, so that they would upon the whole matter have been inclined to suspect, that the main end of this League was only to serve for a handsom pretence to raise an Army in* England, *and if the* People *here should grow discontented at it, and any little disorders should ensue;* Pag. 13.

The Spaniard is thereby obliged to send over Forces to suppress them.

This is fraught with such rare new Politicks, and he has taken such care to make a Rebellion safe, whether it happens in his Majesties time, or in his Successors, especially if it were in order to the preservation of our Religion and Government, (and wo be to the man that begins one on any other pretence) that I thought fit to transcribe it intire.

But Sir, whatever the Spaniard hath promised, or the Ministers intended against the People must needs come to nothing; for you know that his Affairs were lately, *through the defects of his own Government, and the Treachery of our Ministers, reduced to so desperate a state, that he might well be a Burthen to us, but there was little to be hoped for from a friendship with him*; and therefore as little in hast to be feared from his Forces too, if he should be so Popishly inclined as to think it a Pious design to help the King to bring in Arbitrary Government, by the handsom pretence of an Army raised for his assistance: or that and Popery too in the time of his Majesties Successor, to which this Gentleman knows (no man better) the People have no Maw, tho the Ministers have a filthy inclination, and therefore cunningly took care by their Treachery to reduce his Affairs (whose help they chiefly relied on) into that desperate condition we lately see them in.

Well, but for all that he may recover some part of his ancient Power; yes, who doubts that, to hurt us, but not to help us. And now, no man can blame the Ministers that they were not forward in shewing this League to the Parliament, who would doubtless have forthwith Addressed to the King against them, and ushered it in with a Vote, *that they were all of them Promoters of Popery, and Spanish Counsels, and Enemies to the King and Kingdom.*

By this League it seems the King was not obliged to send over any Succours till three months after an Invasion, (tho it is as plain as the Nose on a mans face) that the French King may in one months time possess himself of *Flanders*. He may however take longer time, if he please, for any care was taken here to prevent it, so that if his Majesty had taken a little too long a time to send in his Aids (which all things considered few men will think he did) yet they that should have backed him in it have taken a longer time, and therefore ought not to complain.

The next thing (saith my Author) *recommended to them was the further Examination of the Plot, and every one who have observed what has passed for more than two years together, cannot doubt but that this was sincerely desired by such as are most in credit with his Majesty. And then surely the Parliament deserved not to be censured upon this account, since the Examination of so many new Witnesses, the Trial of the Lord* Stafford, *the great preparations for the trial of the rest of the Lords, and their diligent inquiry into the Horrid Irish Treasons, shew that the Parliament wanted no diligence to pursue his Majesties good intentions in that affair.* Pag. 13.

Now Sir, If they had but suspended the Bill for disinheriting the Duke of *York*, and their Votes that followed upon the throwing it out in the Lords House, and could but have held their hands from sending for their fellow-Subjects into Custody, till they had dispatched this great Affair, & tried all the other Lords in the Tower; it is thought by wiser men than I, they might have had time enough to have gone through with this business, but some body tells us the *Plot was to be kept on foot, else they would be defeated.* It was to be used like the Holy War, always a doing, never done withal; till it made way for some other designs that would not go merrily without the noise of a Plot to drive them. Seasonable Addres, p. 3.

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Pag. 13. *When his Majesty desired from the Parliament their Advice and assistance concerning the Preservation of* Tangier, *the Commons did not neglect to give it its due Consideration, as appears by their Addresses of* November 29. *and* Decemb. 21. 1680. *and they told him, no better could be expected of a Town for the most part under Popish Governours; and always filled with a Popish Garrison.*

Now this Gentleman might have done the World a kindness to have told us how the Popery of the Governours or Garrison contributed any thing to the present Exigencies of that place, into which it fell, not by any neglect or Treachery, but by a Siege laid about it by a potent Army of Moors.

Pag. 13. *They promised to assist him in defence of it, as soon as ever they could be reasonably secured, that any Supply which they gave for that purpose, should not be used to augment the strength of our Popish Adversaries, and to encrease our dangers at home.*

All the rest is of the same kind with this. But Sir, can you tell what was meant by a *reasonable security*? Or wherein the state of *England* would have been mended if *Tangier* had been lost? Or can you give us any reason why this Parliament seemed resolved to run the Risque of losing this Town, when the former Parliament had Voted so stoutly for the Annexing it to the Crown? I might perhaps go near to answer all these questions from the exact Collection of Debates which are Printed, but the safer and shorter way is to refer my Reader to them for his satisfaction.

April 7, and 9. 1678.

Pag. 14. *My Author owns that his Majesty offered to concur in any Remedies that could be proposed for the security of the Protestant Religion, but (saith he) he was pleased to go no further, (how could he?) for those Remedies the Commons offered were rejected, and those which they were preparing were prevented by a dissolution.*

What

What was rejected is well enough understood, *viz.* the Bill of Exclusion, and if the Association was what was preparing, it is no great wonder it should be prevented by a Dissolution. But for this we must be contented to remain in ignorance.

His Majesty had complained of Addresses in the name of Remonstrances rather than Answers. Now, here my Author cannot gues what the Ministers would have the word Remonstrance signifie; but he takes it to be a modest expressing the reasons of their resolution. Now, if this be the meaning of the Word, we must own his Majesty hath in this particular charged the Commons wrongfully, for there was seldom too much modesty joyned with their Reasons, but they rather to us poor Country Folk, seemed to have altogether lost that respect that was due to the Crown, as any body else would think that should compare their Addresses with those made in the Reign of Queen *Elizabeth*, particularly that made to thank her for taking away a part only of the Monopolies that oppressed them in the 44. year of her Reign, when the Speaker and the whole House of Commons sate a good while on their knees to her, but our Gentlemen treated our King at quite another rate, and not much unlike those who remonstrated to his Majesties Father till they at last fairly brought him to the Block. Pag. 14. Hist. Col. of the four last Parliaments of Q. *Eliz.*

My Author considers in the next place that part of the Declaration which concerns the Arbitrary Orders for taking persons into custody, for matters that had no relation to Priviledges of Parliament, &c. *If* (saith he) *they* (the Ministers) *intended by these general words to reflect on the Orders made to take those degenerate Wretches into Custody who published under their hands Abhorrences of Parliaments, and of those who in humble and lawful manner petitioned for their sitting, in a time of such extreme necessity. Surely they are not in good earnest; they cannot believe them.--* Pag. 15.

themſelves, when they ſay, that theſe matters have no relation to Priviledges of Parliament, if the Priviledge of Parliament be concerned when an injury is done to any particular Member, how much more when men ſtrike at Parliaments themſelves, and endeavour to wound the Conſtitution?

But, Sir, I hope it is no breach of Priviledge of Parliament now to beg a ſmall favour at your Worſhips hands, and that is to produce but one inſtance of one ſingle man that ever publiſhed an Abhorrence of Parliaments in general, or of that Parliament in particular before it ſate. It ſeems mighty probable to me, that theſe Wretches were a part of them, and the rather, becauſe my Author is fain to miſrepreſent the whole matter of Fact to make it ſeem juſt. Now, Sir, all the queſtion was, whether the manner of Petitioning, then taken up by the Rabble, was lawful or humble? You ſay it was both, but, Sir, your Sentence is neither Concluding, nor yet infallible; and therefore we appeal from it to the next Loyal Parliament, which we hope ſome at leaſt of thoſe Degenerate Wretches may live to ſee, and in the mean time there will ever be ſome ready to abhor a Petition ſigned by 60000 Shop-Keepers, Apprentices, *&c.* humbly pretending to inſtruct the King and Council, in ſpight of a Proclamation to the contrary, when its fit a Parliament ſhould ſit; which ſome are ſuch fools as to imagine may be done again without abhorring Parliaments; and conſequently without breach of Priviledge of Parliament. And becauſe this was all that was done then, to the beſt of our remembrance, and as it is conceived may be made appear by thoſe very abhorrences ſtill extant, therefore it is humbly conceived the Impriſonments thereupon were Arbitrary and illegal.

As to thoſe two Perſons my Author names, of them that were taken into Cuſtody by Order of Parliament *Sheridon*, and *Thompſon*, I will raiſe no Conteſt with him,

him, becauſe their caſe will depend upon the general determination.

The King's Declaration lays down this as a Rule; that for the Houſe of Commons to take into Cuſtody any Subject, for matters that have no relation to priviledges of Parliament is Arbitrary, i.e. *Illegal.*

This the Author quarrels at, and by a very few Precedents endeavours to prove, *That the Houſe of Commons may order men to be taken into Cuſtody for matters not relating to priviledge.* Theſe two are directly contrary each to other, and I only deſire the liberty to enquire which of theſe ſeem likelieſt to be in the right.

The Priviſedges of the Houſe of Commons are indeed our own, and they enjoy and ought to uſe them as our Truſtees, and for our good, and therefore it is folly in us to leſſen them when they are ſuch as are neceſſary: and it is a great injury in them to extend them beyond what they anciently were to the damage of the Crown; or of the Liberties of the Subjects, or on the other hand to abuſe thoſe they really have, and ought to enjoy, to our damage, or to the Detriment of the Kings Prerogative, which is as neceſſary for our preſervation as the Priviledges of Parliament themſelves are.

The Priviledges of Parliament are many, and relate either to the whole Body, the Three Eſtates taken Collectively, or to the Lords, or to the Commons.

Thoſe relating to the Commons reſpect either the King, or the Lords, or the reſt of the Subjects which are not Members of their Houſe, or the Members of their own Houſe.

Our Enquiry is only in this point concerning thoſe that relate to thoſe Subjects that are not Members of either Houſe, whether they may be impriſoned by Vote of the Commons for matters that have no relation to Priviledge of Parliament.

In the latter end of the Reign of Queen *Elizabeth* it was a queſtion whether the Commons could impriſon thoſe that were not Members of their own Houſe for matters that had a certain and apparent relation to the known Priviledges of Parliament, as for Arreſting them or their Servants in time of Parliament, which hath been ſince gained, and is no longer Conteſted by any body, but is a ſtrong Argument that they had not then that power the Author claims, and for which he brings the Precedents, which are indeed of a later date except one, and that was in the Minority of *Edward* the Sixth.

Proceedings of the four laſt Parliaments of Q. *Eliz. p.* 254. *Anno Regni* 44. it ſeems probable to me that this queſtion was then firſt reſolved, by the Arguments brought for it, which uſe not to be in plain caſes; and one Member oppoſed it, and another ſaid many were ſent for, but none appeared, none were puniſhed.

Anciently if any man were impeached in Parliament, there was a Writ directed to the Sheriff to ſummon him to appear and Anſwer, as my Lord *Coke* acquaints us, and ſets down the form of the Writ; and upon the return of this Writ the Attachment it is likely went out of the Houſe of Lords, but of this Power of the Commons that great man ſpeaks not one word, which is a good Argument they had it not, and indeed the latter inſtances are all after his time.

Cokes Inſtit. *part.* 4. of the proceedings in Parliament againſt abſenrs. *p.* 38.

It is not conſonant to reaſon that any Subject of *England* ſhould be impriſoned upon a bare ſuggeſtion without the Oath of the Accuſer: Now the Commons have no power to give an Oath in this caſe, and therefore it ſeems reaſonable that they ſhould not impriſon any man who is not a Member of their Houſe, much leſs whomſoever they pleaſe.

The Houſe of Commons is not a Court of Judicature, (except in matters of Priviledge and Elections) but all perſons accuſed in Parliament muſt be tried by the *Lords, therefore it is contrary to the Law of *England* that any man ſhould be impriſoned by the Commons,

* Owned by this Author. *p.* 39.

mons, who (*as the Grand-Jury of the Nation) are his Accuſers.

Coke's Inſtit. part. 4. p. 24.

It is ſaid that a man taken into Cuſtody by Order of the Commons is taken in Execution, but it is contrary to the eternal Laws of Nature, and all Nations, that a man ſhould be taken in Execution before he have made his Defence, and a legal Sentence be paſſed upon him by Legal Proceſs and proof.

Debates of the Houſe of Commons, *pag.* 217. A Commitment of this Houſe is always in nature of a Judgment, and the Party not Bailable.

It is deſtructive of the Liberty of the Subject that any man ſhould be ſo taken by them into Cuſtody, becauſe he is without all remedy, and if the thing happen to prove injurious and oppreſſive, as it did in the Caſe of *John Wilſon* and *Roger Beckwith* Eſquires, two *Yorkſhire* Juſtices of the Peace, who were notoriouſly injured by it.

Addreſs to the Freemen, *&c. Part.* 2. *p.* 38.

For theſe reaſons, which I ſubmit to wiſer men than my ſelf, I am humbly of opinion that no man ought to be taken into Cuſtody by the Order or Vote of the Commons, that is not a Member of their Houſe; except it be for matters relating to the Priviledges of Parliament, and that ſuch Priviledges as are commonly known; for if they may call what they pleaſe a Priviledge of a Parliament, it will in the Event be the ſame thing as an unlimited power.

As to all his Inſtances they do not deſerve any conſideration except the firſt, and that no man, as he relates it, can tell by whom the Commitment was made, without the Record which I cannot come at, and the latter were the Acts of Popular Parliaments which laid the foundations of our late troubles by ſuch proceedings.

4 *Edw.* 6.
18 *Jac.*
20 *Jac.*
3 *Car.*

My Author in the next place comes to juſtifie the Votes againſt the Miniſters, and lays down this as his foundation. *The Commons in Parliament have uſed two ways of delivering their Country from pernicious and powerful Favourites, The one is in a Parliamentary Courſe of Juſtice by impeaching* Pag. 16.

them which is used when they judge it needful to make them publick examples, by Capital, or other high punishments, for the terror of others: The other is by immediate Address to the King to remove them as unfaithful or unprofitable Servants. Their Lives, their Liberties, or Estates are never endangered, but when they are proceeded against in the former of these ways: Then legal evidence of their guilt is necessary, then there must be a proper time allowed for their defence. In the other way the Parliament act as the Kings great Council, and when either House observes that affairs are ill administred, that the Advice of Parliaments is rejected or slighted, the Course of Justice perverted, our Councils betrayed, Grievances multiplied, and the Government weakly and disorderly managed, (of all which our Laws have made it impossible for the King to be guilty,) they necessarily must, and always have charged those who had the Administration of affairs, and the Kings Ears, as the Authors of these mischiefs, and have from time to time applied themselves to him by Addresses for their removal from his presence and Councils.

So here are all the Ministers of State that are, or ever shall be, exposed to the mercy of the House of Commons, if proof can be brought against them, then have at all, Life, Liberty, and Estate must go for it; but if none can be had, then it is but voting them Enemies to the King and Kingdom, and Addressing to have them removed from his Majesties Presence and Councils for ever, and the work is done without allowing the liberty to answer for themselves. And the reason that he gives for it is a pleasant one; because the King cannot be guilty, therefore they must. But may not a House of Commons be mistaken, and punish a man for what he never did? may not one man give the Advice, and another suffer for it at this rate of proceedings? But this is an old Custom; What then, it is an unjust one.

There may be many things plain and evident beyond the testimony of any Witness, which yet can never be proved in a legal way. Pag. 17.

This is true; but I hope he will not infer from hence that any man shall be punished for those things without testimony. I always thought all these cases were reserved to the Tribunal of God Almighty. And I believe this Gentleman would be loth to be tried by his own rule.

The Parliament may be busied in such great Affairs, as will not suffer them to pursue every Offender through a long process. Ibid.

Then they may let him alone; or leave him to the Common Law, but to condemn him unheard, for want of leisure, is such a piece of justice as no man would be willing to submit to in his own Case.

There may be many reasons why a man should be turned out of Service, which perhaps would not extend to subject him to punishment. Pag. 17.

That there may be reasons why a man should be turned out of Service is undeniable, but then those reasons ought to be alledged and proved; for the turning a man out of Service is certainly in many cases a great punishment, tho not equal to hanging.

The People themselves are highly concerned in the great Ministers of State, who are Servants to the Kingdom as well as to the King; and the Commons, whose business it is to present all Grievances, as they are most likely to observe soonest the folly and treachery of those publick Servants, (the greatest of all Grievances) so this representation ought to have no little weight with the Prince. Ibid.

Here is the true reason as long as the Ministers look upon themselves as the Kings Servants they will adhere to the Crown, but if they be taught once that they are Servants to the People too, then because it is difficult to serve

two

two Masters, they will be more distracted, and act more timorously, especially if according to the modern distinction the *Country-Party* get the Ascendent of the *Court-Party* in a Parliament.

Proceedings of the four last Parl. p. 47.

Queen Elizabeth *told the Commons by the Lord Keeper, that she misliked that such irreverence towards Privy-Counsellors, (who were not to be accounted as Common Knights and Burgesses of the House, that are Counsellors but during the Parliament) whereas the other are standing Counsellors, and for their Wisdom and great Service are called to the Council of State.*

They were not then thought to be such publick Servants as might be treated at any rate, sent to the Tower, or to carry up a Bill to the Lords, against which they had given their Vote, as if it were to triumph over them.

Pag. 17.

In hoc Parliamento concessa fuit Regi taxa insolita & incolis tricabilis, & valde gravis, Walsingham. *nec servarentur ejus Evidentiæ in Thesauria Regia.* Ibid.

Polid. Virgil. *Suorum crebris conjurationibus vexatus.*

But Henry IV. (*a wise and a brave Prince*) *in the Fifth year of his Reign turned out four of his Servants, only because the Commons desired they might be removed.* But then this Prince had no Title, and therefore was not in a capacity to dispute any thing with them; and in this very Parliament too; they gave him so extraordinary a Tax, and so troublesom to the Subject, that they would not suffer any Record of it to be left in the Treasury; and he was obliged to grant them this extraordinary favour in recompence of it. He had but newly in Battel conquered one Rebellion, wherein *Mortimers* Title was at the bottom, and was ingaged then in a War with *France*. And he had reason to fear a general Defection of the Nation; King *Richard* being reported to be alive. And he was then in great want of Money, so that for such a Prince so beset to grant any thing was far from a wonder, but ought no more to be drawn into Example than that Tax they then gave him; and least of all now, when things are in a very different posture.

But

But then all these Ministers are censured for doing that which was approved by two of the three Estates. The Resolve was this.

That all persons who advised his Majesty in his last Message to this House, to insist upon an opinion against the Bill for Excluding the Duke of York, *have given pernicious Counsel to his Majesty, and are promoters of Popery, and Enemies to the King and Kingdom.* Jan. 7. 1680.

Now this Bill was before this thrown out by the House of Lords, and therefore there was no reason to Vote the Ministers Enemies to the King and Kingdom for doing that which was approved by two of the three Estates in Parliament.

But they ought not to have appealed to the People against their own Representatives. (*Why not?*) *The unfortunate Reigns of* Henry III. *Edward* II. *Richard* II. *and* Henry VI. *ought to serve as Land-marks to warn succeeding Kings; from preferring secret Councils to the wisdom of their Parliaments.* Pag. 18.

And so ought the Example of his Majesties Father to warn both his Majesty and the whole Nation how they suffer the Ministers of State to be trodden under foot by Factious men; and the Prerogatives of the Crown to be swallowed up, by pretended Priviledges of Parliament. for all these things have once already made way for the Ruine of the Monarchy; as that did for the enslaving of the People.

The next thing my Author falls upon is the business of the Revenue, but here I cannot imagine what he would have, he makes a long Harangue against Alienation of the Revenues of the Crown, and about the reasonableness of Resumptions of those that had been alienated. And tells us, *No Country did ever believe the Prince, how absolute soever in other things, had power to sell or give away the Revenue of the Kingdom, and leave his Successor a Beggar.* Pag. 19.

Beggar. That the haughty French Monarch, as much power as he pretends to, is not ashamed to own that he wanted power to make such Alienations, and that Kings had that happy inability that they could do nothing contrary to the Laws of their Country.

This and much more my Author hath upon this occasion learnedly, but very impertinently, written about these two Votes, believing his Reader could not distinguish betwixt an Alienation and an Anticipation.

But the best way to have this clearly understood is to insert the Votes of the Commons, which are as followetlr:

There were two Votes of the same nature passed in 1626 concerning Tonnage and Poundage. *Nalsons* Preface to his Collections. *pag.* 60.

Resolved, That whosoever shall hereafter lend, or cause to be lent, by way of Advance, any money upon the Branches of the Kings Revenue, arising by Customs, Excise, or Hearth-money, shall be adjudged to hinder the sitting of Parliaments, and shall be responsible for the same in Parliament.

Resolved, That whosoever shall accept or buy any Tally of Anticipation upon any part of the Kings Revenue (or whosoever shall pay such Tally hereafter to be struck, shall be adjudged to hinder the sitting of Parliaments, and shall be responsible therefore in Parliament.

Now what Advancing money upon the Revenues, and accepting Tallys of Anticipation have to do with Alienation of it I cannot devise. For certainly it is one thing to advance a Fine, and take a Farm so much the cheaper for three, four, or seven years, and another thing to purchase the same to a man and his Heirs for ever. And it is one thing to receive an Order to take such a Sum of Money of the Tenant out of the next half years Rent, and a quite other thing to purchase the Feesimple of an Estate, which is an Alienation.

Pag. 19. *The Revenues of the Crown of* England *are in their own nature appropriated to Publick Service, and therefore cannot without*

without injuſtice be diverted or Anticipated. May not an Anticipation be as well imployed upon the Publick Service as a growing Revenue when it is become due? Does Anticipation ſignifie miſpending or diverting from a Publick to a private uſe? Is it impoſſible the Publick ſhould at any time need a greater Sum of money than the Revenue will afford, and may not a Prince in ſuch a caſe Anticipate, and afterward get it up again by his good Husbandry? No, for

Either the Publick Revenue is ſufficient to anſwer the neceſſary occaſions of the Government, and then there is no colour for Anticipations, or elſe by ſome extraordinary Accident the King is reduced to want an extraordinary ſupply, and then he ought to reſort to his Parliament. Pag. 19.

Well, but ſuppoſe (as it may happen) the neceſſity is ſo urgent, that it cannot be put off till a Parliament can be called, and meet, and raiſe money. Or if you pleaſe, ſuppoſe a Parliament dare not truſt the King with money, or, which is all one, will pretend ſo. Or will not ſupply him unleſs he will paſs an Act that they ſhall ſit as long as they pleaſe; or unleſs he will let them turn out what Miniſters of State, Juſtices of the Peace, &c, they think fit, and put in others as they pleaſe. May not a Prince relieve himſelf in theſe caſes by an Advance or Anticipation, but muſt ſubmit abſolutely to the Commons? I hope he will not ſay theſe are impoſſible accidents.

Our Anceſtors did wiſely provide that the King and his People ſhould have frequent need of one another, and by having frequent opportunities of mutually relieving one anothers wants, be ſure ever to preſerve a dutiful affection in the Subject, and a Fatherly tenderneſs in the Prince. When the King had occaſion for the liberality of his People he would be well inclined to hear and redreſs their Grievances, and when they wanted eaſe from oppreſſions, they would not fail with alacrity to ſupply the occaſions of the Crown. Pag. 20.

All this is certainly true, and was the very reaſon why the two firſt Parliaments of his Majeſties Reign, of whoſe Loyalty and hearty affections to the Crown no man ever doubted, ſetled part of the Revenue on his Majeſty for his Life only, that his Succeſſor might be obliged by a regrant of it. And the whole which they gave to this King was but equal to the conſtant and regular Expences of the Government, as they deſigned it, tho it is ſaid it falls ſhort of that too.

Now, might things be thus carried, as my Author tells us, they were deſigned to be, *England* would certainly be the happieſt Nation in the World. The King would be as rich as his People could make him, and the People as happy as a tender and good King could make them. But alas! there is ſprung up a new Generation of men who have taken ſuch an Averſion for Monarchy, and the juſt Prerogatives of the Crown, that till theſe Grievances (the greateſt Grievances that ever can betide a free-born people) be totally taken away, they can find no guſt in the removal of all thoſe other petty Grievances, of which our Anceſtors complained ſo often, and as often found redreſs.

There is alſo ariſen a ſort of ſober Proteſtants (as the Diſſenters will needs be called) who can neither agree one with another, nor with the Religion that is Eſtabliſhed, and to them it is an intolerable Grievance to ſee Epiſcopacy, a Liturgy, and a few innocent Ceremonies, which they call Popery, eſtabliſhed in the Church, and till theſe are extirpated Root and Branch, and every of their pious Whimſies ſetled ſucceſſively in the place of them, or tolerated at once, they, good men! cannot be at eaſe neither.

Theſe two have twiſted their intereſts together with a third ſort that have no Religion at all, but have a damnable inclination to the Spoils of the Church, and the Plunder

of

of the Nation. And they by Popular Arts have wheedled and deluded great numbers of the Freemen and Freeholders of the Nation into a ſtrong belief that Popery is by our Governours deſigned to be ſet up in the Church, and Arbitrary Government in the State, things which theſe good men hate mightily, as there is good reaſon for it, but are very much abuſed by the Information, and much more by being perſuaded, as they have been, that the chuſing diſcontented men to be their Repreſentatives in the Houſe of Commons was the only way to prevent theſe two dreadful things from falling upon them.

Theſe men however have ſometimes got to be the major part of that Houſe, and the Conſequence hath ever been that the King could get no Supplies, be his neceſſities what they could be, unleſs he would grant ſuch things as tended immediately to the ruine of the Church and Monarchy. And if he were a little averſe to it, then he was preſently Libelled to the Nation as a favourer of Popery, and a deſigner of Arbitrary Government; but if it were not ſafe to attack him, then (according to the method of the late Rebels) the cry was raiſed againſt the Evil Counſellors, or the Corrupt Miniſters, and nothing would do, but the turning them out of their employments as treacherous Servants to the Kingdom, for being too faithful to the King.

And becauſe they can never effect theſe great things by other means, they have always turned this excellent Conſtitution againſt it ſelf, and that which was intended to endear the King and his People each to others, their mutual want of each others aſſiſtance, hath been made a Steppal to mount the Throne, and pluck down the Mitre. So that his Majeſty, who knew how things went in his Father's days, was not out when he told the Commons in his Speech, *March* 1. 1661. as followeth:

Gentlemen,

I need not put you in mind of the miserable effects which have attended the wants and necessities of the Crown; I need not tell you that there is a Republick Party still in the Kingdom, which have the courage to promise themselves another Revolution; and methinks I should as little need to tell you, that the only way with Gods blessing to disappoint their hopes and desires, and indeed to reduce them from those extravagant hopes and desires is, to let them see that you have so provided for the Crown, that it hath wherewithal to support it self, and to secure you, which I am sure is all I desire, and desire only for your preservation. Therefore I do conjure you, by all the professions of affection you have made to me, by all the kindness I know you have for me, after all your deliberations, betake your selves to some speedy resolutions, and settle such a real and substantial Revenue upon me, as may hold some proportion with the necessary Expences I am at for the Peace, and Benefit, and Honour of the Kingdom, that they who look for troubles at home may despair of their wishes, and that our Neighbours abroad, by seeing that all is well at home, may have that esteem and value of Us as may secure the Interest and Honour of the Nation, and make the happiness of this Kingdom, and of this CITY, *once more the Admiration and Envy of the World.*

This.

This Parliament underſtood things well, and provided accordingly, ſo that the nineteenth of *May* following, the Lord Chancellor, in a Speech made at their Prorogation, told them, *They had wiſely, very wiſely provided ſuch a conſtant growing Revenue as may with* Gods *bleſſing preſerve the Crown from thoſe ſcandalous wants and neceſſities as have heretofore expoſed it and the Kingdom to thoſe diſmal miſeries, from which they are but even now buoyed up; for whatſoever other humane cauſes may be aſſigned, according to the ſeveral fancies and imaginations of men, of our late miſerable diſtractions, they cannot be ſo reaſonably imputed to any one cauſe, as to the extreme poverty of the Crown: the want of power could never have appeared, if it had not been for the want of money.*

But ſince that, the riſing greatneſs of our Neighbours have mounted the Expences of the Crown above that growing Revenue that was then ſetled, and the Republical Party, as his Majeſty ſtiles them, promiſe themſelves the happineſs of bringing about another Revolution, by the ſame means the laſt was, in his Majeſties days, if it be poſſible, but however at his Death. And therefore if the Crown thus beſet ſhall at any time make uſe of Anticipations to relieve it ſelf; they only ought to be reſponſible for it, who have, or ſhall, make it neceſſary: For ſurely no Prince would borrow, when he might have it freely given upon reaſonable terms, unleſs he took a pride in counting the number of his Creditors.

And therefore (ſaith my Author) *it has ever been eſteemed a Crime in Counſellors, who perſuaded the King to Anticipate his Revenue, and a Crime in thoſe who furniſh'd money upon ſuch Anticipations in an extraordinary way, however extraordinary the occaſion might be. For this cauſe it was that the Parliament in the* 35 *of* Henry VIII. *did not only diſcharge all theſe Debts which the King had contracted; but Enacted that thoſe Lenders, who had been before paid again by* Pag. 20.

by the King, ſhould refund all thoſe Sums into the Exchequer, as judging it reaſonable puniſhment to make them forfeit the Money they lent, ſince they have gone about to introduce ſo dangerous a precedent.

It is bad Logick that raiſeth general Concluſions from particular inſtances, and it will appear ſo in this that we have in hand; which, becauſe I cannot ſo well and creditably do it my ſelf, I will make appear by tranſcribing a paſſage out of my Lord *Coke*, tho it be ſomewhat long.

Advice concerning new and plauſible Projects and Offers in Parliament.

Cokes Inſtit. *part.2. p.44.*

"When any plauſible project is made in Parliament to "draw the Lords and Commons to aſſent to any Act, "(eſpecially in matters of weight and importance) if "both Houſes do give upon the matter projected and pro- "miſed their Conſent, it ſhall be moſt neceſſary, they be- "ing truſted for the Commonwealth, to have the matter "projected and promiſed (which moved the Houſe to "conſent) to be eſtabliſhed in the ſame Act leſt the bene- "fit of the Act be taken, and the matter projected and "promiſed never performed, and ſo the Houſes of Parlia- "ment perform not the truſt repoſed in them, as it fell out "(taking one example from many) in the Reign of "*Henry* VIII. On the Kings behalf the Members of both "Houſes were informed in Parliament, that no King or "Kingdom was ſafe but where the King had three Abilities, "Firſt, To live of his own, and be able to defend his King- "dom upon any ſudden Invaſion, or Inſurrection. Se- "condly, To aid his Confederates, otherwiſe they would "never aſſiſt him. Thirdly, To reward his well deſerving "Servants. Now the Proj & was, that if the Parliament "would give unto him all the Abbies, Priories, Friories,

"Nunne-

" Nunneries, and other Monaſteries, that for ever in time
" then to come, he would take order that the ſame ſhould
" not be converted to private uſe: but firſt, That his Ex-
" chequer for the purpoſes aforeſaid ſhould be inrich'd.
" Secondly, the Kingdom ſtrengthened by a continual main- ☜
" tainance of Forty thouſand well trained Souldiers with
" skilful Captains and Commanders. Thirdly, For the
" benefit and eaſe of the Subject, who never afterwards ☜
" (as was projected) in any time to come ſhould be charged
" with Subſidies, Fifteenths, Loans, or other common
" aids. Fourthly, Leſt the Honour of the Realm ſhould
" receive any Diminution of Honour by the diſſolution of
" the ſaid Monaſteries, there being twenty nine Lords of
" Parliament of the Abbots and Priors (that held of the
" King *per Baroniam*) that the King would create a num-
" ber of Nobles, which we omit. The ſaid Monaſteries
" were given to the King by authority of divers Acts of 27 *H.* 8.
" Parliament, but no proviſion was therein made for the 31 *H.* 8. c. 13.
" ſaid Project, or any part thereof, only *ad faciendum po-* 32 *H.* 8. c. 14.
" *pulum*, theſe Poſſeſſions were given to the King, his Heirs
" and Succeſſors to do and uſe therewith his and their own
" wills to the pleaſure of Almighty God, and the honour and 27 *H.* 8. c. 24.
" profit of Almighty God.

" Now obſerve the Cataſtrophe in the ſame Parliament
" of 32 *Henry* VIII. when the great and opulent Priory
" of St. *Johns of Jeruſalem* was given to the King, he de-
" manded and had a Subſidy both of the Clergy and
" Laity, and the like he had in 34 *Henry* VIII. and in
" 37 *Henry* VIII. he had another Subſidy. And ſince the
" diſſolution of the ſaid Monaſteries he exacted divers
" Loans, and againſt Law received the ſame.

Now let my Reader judge if it be reaſonable to make what the Parliament did in the 25 of *Henry* VIII. a ſtanding Rule for all ſucceeding times, when it is morally impoſſible that ever any King of *England* ſhould have ſuch a Trea-

Treaſure and Revenue as they had given this King within leſs than ſeven years, and a Subſidy but the very year before beſides. If we had ſuch Parliaments now, and it were poſſible to give the King ſuch Supplies as they did, I would freely give my Vote to have the next Lender Hanged.

Pag. 20. *The true way to put the King out of a poſſibility of ſupporting the Government,* is to let *him waſte in one year that money which ought to bear the charge of the Government for ſeven.*

But, Sir, to put you out of pain for that, this would neceſſitate the ſitting of Parliaments, and the yielding to whatſoever they could deſire. So this, tho true, was not the reaſon of the Vote, but directly contrary to it; but the King knows the Conſequence of that too well to need any reſtraint in that particular, for he knows as well as you; that this is the direct method to deſtroy not only the Credit of the Crown at home and abroad, but the Monarchy it ſelf.

Ibid. *If the King reſolves never to pay the money that he borrows, what faith will be given to the Royal Promiſes, and the honour of the Nation will ſuffer in that of the Prince. And if it be put upon the People to repay it, this would be a way to impoſe a neceſſity of giving Taxes without end whether they would or no.*

Omitting the undutifulneſs of theſe ſuppoſitions, it is very remarkable, that the great Anticipations upon the Revenue were made in the time of the laſt Dutch War, when they who now ſo much clamour againſt them were Miniſters, and they who now are ſuch, and bear all the blame, were not in a capacity to hinder it. Whether they had any ſuch intentions as theſe in it, they beſt know, but I am ſure one of them made it out powerfully that there was all the reaſon in the world that the Parliament ſhould pay off this debt. *But,* ſaith my Author, *as mercenary as*

they

they were, the Penſioners would never diſcharge the Revenue of theſe Anticipations to the Bankers. Which is an Excellent and convincing Argument that they (how much ſoever they are ſlandered) were not ſuch mercenary Penſioners, as the world is now told they were.

Now, as he tells us, the W. Commons made this Vote purely to keep people from being again chouſed the ſame way, and in mere pity to the Cries of many Widows and Orphans. And truly, if they had taken care to have had thoſe that wanted this Caution firſt paid off, the world might have poſſibly thought ſo. And *then a Declaration that ſuch ſecurities were void, and that no future Parliament could without breach of Truſt repay that Money which was at firſt borrowed only to prevent the ſitting of Parliaments,* might have had a better reception in this Kingdom than the two Votes they made without it. As for his quotation of 1 *R.* 3. *Cap.* 2. againſt Loans, that and all the after Statutes is againſt involuntary and forcible taking of money.

But the Commons were very modeſt, and reſtrained their Votes to only three branches of the Revenue, all which were by ſeveral Acts of Parliament given to his preſent Majeſty. Pag. 21.

Sir, I think the laſt Vote is general, and extends to the whole Revenue, tho the firſt doth not, but only to thoſe three ſmall Branches of Cuſtoms, Exciſe, and Hearth-money. A modeſt reſtraint indeed.

The Statute 12 *Car.* 2. *Cap.* 4. *ſays, That the Commons repoſing Truſt in his Majeſty, for guarding the Seas againſt all perſons intending the diſturbance of Trade, and the invading of the Realm to that intent do give him Tonnage and Poundage, and this is as direct an appropriation as words can make, and therefore as it is a manifeſt wrong to the Subject to divert any part thereof to other uſes, ſo for the King to Anticipate it, is plainly to diſable himſelf to perform the truſt repoſed in him.* Pag. 21.

Now here are ſeveral ill Conſequences from an undoubted true Principle. For it is no wrong to the Subject to divert a part of it to other uſes if the Seas can be guarded, and the Realm ſecured with leſs than the whole, ar they have been very well all his Majeſties Reign hitherto. Secondly, An Anticipation may be neceſſary to attain the ends of the truſt if Parliaments ſhall ſtill go on to refuſe the King extraordinary Supplies upon extraordinary occaſions.

Ibid. *The Statute of* 12 *Car.* 2, *Cap.* 23. *which did impower the King to diſpoſe of the Exciſe did Enact, that ſuch Contracts ſhall be effectual in Law, ſo as they be not for longer time than three years.* So that here is care taken before their Vote that no great Advance or Anticipation ſhall be taken upon that Branch.

Pag. 22. *The Statute of the* 13. *and* 14. *of Car.* 2. *Cap.* 10. *declares that the Hearth-money was given that the publick Revenue might be proportioned to the Publick Charge, and it is impoſſible that ſhould ever be whilſt it is liable to be preingaged and Anticipated.*

Is it ſo? Muſt a Prince act to the utmoſt of his power with leſs prudence and diſcretion than other men? Muſt I needs Sell or Morgage my Eſtate for as much as it is worth; becauſe I may do it, and no man can hinder me?

Pag. 22. *The Parliament took another care in relation to this Branch, and made it penal for any one ſo much as to accept of any Penſion or Grant for years, or any other Eſtate, or any Sum of Money out of the Revenue ariſing by (Hearth-money) by virtue of that Act, from the King, his Heirs or Succeſſors,* as my Author takes notice: and now what reaſon was there for him to make ſuch a Splutter as he did about Alienations and leaving the Succeſſor a beggar, when one of theſe Branches, the Cuſtoms and half the Exciſe is given to his Majeſty only for his life, and ſuch care is taken to keep

keep the third unchargeable by the very Act that gave it? If theſe things tend to the vindication either of my Author, or the Votes, I have loſt my Reaſon.

My Author concludes with this ſmart reflection on the Declaration, *This we are ſure of, that if the inviolable obſervation of theſe Statutes* (it ſhould have been Votes) *will reduce his Majeſty to a more helpleſs Condition than the meaneſt of his Subjects, he will ſtill be left in a better Condition than the richeſt and greateſt of his Anceſtors, none of which were ever matters of ſuch a Revenue.* Pag. 22.

The King complains of the Votes, and the Statutes are craftily laid in the way to bear the brunt; the intention of a thing may poſſibly never ſucceed, as I hope it never will here: But yet the complaint is juſt, if it apparently tended to ſuch an end, tho it never follow. But how his Majeſty can be in the moſt helpleſs and moſt wealthy condition at one and the ſame time, *in fact*, my Author muſt inform us. His Majeſties Expence as well as Revenue is above all his Royal Anceſtors, and whatever his Revenue is he was not beholden to theſe Voters for it, who gave him nothing but paper and trouble. And of the firſt of theſe his Majeſty had ſuch a quantity; that he is ſaid to have chid his Tailor for not making his Pockets big enough to receive it. His Coffers in the mean time were not ſurcharged, nor like to ſurfeit.

The next thing my Author falls upon is the Vote for ſuſpenſion of the Execution of the Penal Laws againſt the Diſſenters; which he firſt recites, and then juſtifieth, and I will follow him.

The Houſe of Commons are in the next place accuſed of a very high Crime, the aſſuming to themſelves a power of ſuſpending Acts of Parliament, becauſe they declared it was their Opinion, That the proſecution of Proteſtant Diſſenters upon the Penal Laws, is at this time grievous to the Subject, a weakning of the Proteſtant Intereſt, an incou- Pag. 22.

ragement to Popery, and dangerous to the Peace of the Nation. *The Miniſters remembred that not many years ago, the whole Nation was juſtly Alarm'd upon the aſſuming an Arbitrary power of ſuſpending Penal Laws, and therefore they thought it would be very popular to accuſe the Commons of ſuch an Attempt.*

Did the Miniſters remember how the Nation was Alarm'd, and had the Commons forgot it? Well, let us follow the Gentleman, and ſee how he will clear his Commons from the guilt of this high Crime which he acknowledgeth was ſo juſtly blamed in the Miniſters.

Pag.22. *But how they (the Miniſters) could poſſibly miſinterpret a Vote at that rate, how they could ſay the Commons pretended to a power of repealing Laws, when they only declare their opinion of the inconveniency of them, will never be underſtood till the Authors of this are pleaſed to ſhew their Cauſes and Reaſons in a ſecond Declaration.*

The charge in the Declaration is that by this Vote, *They aſſumed to themſelves a power of ſuſpending Acts of Parliament, without any regard to the Laws eſtabliſhed.* This the Author could not deny, nor defend; and therefore he changeth the terms into a power of Repealing Laws, with which the Commons were never charged. Now, a power of Suſpending and a power of Repealing are vaſtly different. Every Pardon is a ſuſpenſion of the Execution of the Law in relation to the Party pardoned, and ſo is every Diſpenſation; and when the King put forth the Declaration for Liberty of Conſcience, there was no deſign of repealing, but only of ſuſpending the Execution of the Penal Laws *pro tempore*; ſo that if the Commons deſigned this Vote or Declaration of theirs ſhould have any other effect than to ſhew their good will to the Diſſenters, it muſt extend tho not to a Repeal, yet to a ſuſpenſion of the Execution of the Penal Laws againſt them, which is all the Declaration charged the Commons with; and ſo the Diſſenters

underſtood

underſtood it, and have ſince pleaded this Vote in Bar to the Execution of thoſe Laws againſt them, tho they acknowledge they are not Repealed thereby.

Every impartial man will own that the Commons had reaſon for this opinion of theirs. Pag. 22.

Suppoſe they had reaſon for it, this will not give them a legal Power. The King hath good reaſon to do many things which yet if he ſhould offer at, they would clamour againſt him as an Uſurper of an Arbitrary Power; for reaſon gives no man any Authority to act, except he hath a lawful power to back his reaſon with. There may be great reaſon to repeat an Act of Parliament, and yet if all the Judges in *Weſtminſter* ſhould thereupon declare it to be either ſuſpended or repealed, I know what we ſhould hear of it quickly. Well, but let us hear their Reaſons.

They had with great anxiety obſerved that the preſent deſign of the Papiſts was not againſt any one ſort of Proteſtants, but Univerſal, and for extirpating the Reformed Religion. Pag. 22.

That this might be the ultimate deſign of the Plot, is not much to be doubted, but it was immediately bent only againſt the Religion eſtabliſhed, and accordingly there were Succeſſors appointed to all the Biſhops and dignified Clergy, but none to Mr. *Baxter*, Dr. *Owen*, and the reſt of that Fry that ever I heard of. So that this reaſon concludes not in favour of the Diſſenters, but of the Regular Clergy, who as they were in moſt danger ought to have been moſt taken care of. But this Vote left them in the ſame danger it found them of being deſtroyed by the Papiſts, and let looſe the Diſſenters upon them too, to encreaſe that danger.

2. *They ſaw what advantages theſe Enemies made of our Diviſions, and how cunningly they diverted us from perſecuting them by fomenting our Jealouſies of one another.* Pag. 23.

Did

Did they not, Sir, obſerve too how the Diſſenters took the occaſion of the Plot, and of the general hatred againſt Popery to ruine the Loyal and Conformable Clergy? How they preſently engroſſed the Title of Proteſtant, and endeavoured to make the Rabble believe that all but the Bobtail Holders-forth and their Followers were Papiſts in Maſquerade, Tories, Tantivimen? &c. If they did not obſerve theſe things, others did. And alſo that all of a ſudden all the Jeſuits aſſumed the ſhapes of Nonconformiſts, and railed ſtoutly againſt Biſhops, Ceremonies, Humane Impoſitions, and Arbitrary Government. They knew there was no poſſibility of eſcaping the vengeance of the Church of *England* men but by ſetting the Diſſenters upon them, and they needed no Spur. So this was a good Argument to have taught the Diſſenters more modeſty; but ſince they had not that, it was a ſtrong Argument to have ſuppreſs'd them vigorouſly as the only Auxiliaries of the Papiſts againſt the Church; and the great hinderers of the proſecution of the Plot.

3. *They ſaw the ſtrength and nearneſs of the King of* France, *and judged of his inclinations by his uſage of his own Proteſtant Subjects.*

4. *They conſidered the number, and the bloudy Principles of the Iriſh. And*

5. *That* Scotland *was already delivered into the hands of a Prince, the known head of the Papiſts in theſe Kingdoms, and the occaſion of their Plots and Inſolencies, as more than one Parliament had declared.* (It ſhould have been worded thus) as they had declared in more than one Parliament, for theſe were the ſame men in ſeveral Parliaments, who made theſe ſeveral Declarations.

Now I cannot conceive wherein the force of theſe three Arguments lies, the French King was powerful, and hated Proteſtants, therefore the Church of *England* muſt be prepared for ruine by giving as many as pleaſed a free liberty

to

to ſeparate from her, and procure her deſtruction. The Iriſh Papiſts had ill deſigns juſt ripe for execution, therefore the Engliſh Nonconformiſts were to be tolerated that they might get ſtrength, and be able to riſe at the ſame time, to aſcertain the deſtruction of the Church.

But the fifth Reaſon is much better; *Scotland* was in the hands of the Duke, How came he by it? What, did he invade it by force and violence againſt his Majeſties Will? If he did, then let us make a mighty Combination againſt him: But if it were delivered to him by the proper Owner, who may govern it by whom he pleaſe, what occaſion is there for the Diſſenters ſervice here?

6. *They could not but take notice into what hands the moſt conſiderable Truſts both Civil and Military were put.* Pag. 23.

7. *And that notwithſtanding all Addreſſes, and all Proclamations, for a ſtrict execution of the Penal Laws againſt Papiſts, yet their Faction ſo far prevailed that they were eluded, and only the Diſſenting Proteſtants ſmarted under the rage of them.*

That they took very good notice who were imployed in Civil and Military Truſts appears by the Addreſs of *December* 21. 1680. not many days before this Vote, where they tell the King, *That ſeveral Deputy Lieutenants and Juſtices of the Peace, fitly qualified for thoſe imployments, have been of late diſplaced, and others put in their room, who are men of Arbitrary Principles, and Countenancers of Papiſts and Popery.* Theſe they would have had turned out, and others put in; who are men of *Integrity and known affection to the Proteſtant Religion*; and may be moreover *men of Ability, of Eſtates and Intereſt in their Country.* His Majeſty knew what they meant, but did not think fit to change his choice; and the truth is they gave him no great encouragement by their own carriage to have any more to do with theſe able, wealthy, popular men.

And

And therefore it seems this was one reason that moved them to Vote the Protestant Dissenters free from Penal Laws, either to keep them out of the hands of these evil Trustees both Civil and Military; or else to make a Party out of them not only against the Duke of *York*, but also against these Countenancers of Papists and Popery; that is, against his Majesties Officers both Civil and Military. As if because the French King, notwithstanding his great Power and Aversion to the Protestant Religion, could not hurt the Church of *England*, therefore the Dissenters were to be caressed and cherished, that they in a small time might be in a capacity to do it. And now if these were not good reasons for the Vote, let any impartial man (that is, any but a Church of *England* man) judge.

Pag. 23. *In the midst of such Circumstances was there not cause to think an* Union *of all Protestants necessary, and could they have any just grounds to believe that the Dissenters, whilst they lay under the pressures of severe Laws, should with such Alacrity and Courage as was requisite, undertake the defence of a Country where they were so ill treated?*

Whether this question relates to the French King and the Papists, or the Duke and the Civil and Military Officers may be a question, and therefore it must be so answered. As to the first, there was all the reason in the world that they should joyn heartily with the Government against the Papists and French, for they could not hope to mend their condition by falling into their hands, who they knew would treat them with other manner of severities than those they met with from the Laws; if they did not know this, any of the French Protestants that fled over into *England* might have informed them sufficiently. Now, of evils the least is to be chosen, and tho their condition had not been equal to their desires, yet it had been a madness to have made it worse by delivering up themselves

ſelves and their Country into the hands of the French and Papiſts.

But if it relates to the Duke, and the Civil and Military Officers, then I hope he will excuſe me if I do not think it fit to have another Union of Proteſtants of that ſort again.

A long and ſad Experience had ſhewed, how vain the endeavours of former Parliaments had been to force us to be all of one * Opinion, *and therefore the Houſe of Commons reſolved to take a ſure way to make us all of one* Affection. Pag. 23.

* Suppoſe that the Church of *England* were diſarmed of all thoſe Laws by which ſhe is guarded; and would not this turn a National Church into nothing elſe but a Tolerated Sect or Party? Would it not take away all appearance of Eſtabliſhment from it? *Lord Chancellors Speech, April* 13. 75. Would this Unite us in one Affection?

This was the very reaſon of the Declaration of Liberty of Conſcience: But how unlike that courſe was to prevail, the Nation had ſufficient experience in a few years. And, Sir, I can aſſure you, it is above the power of a Houſe of Commons to unite thoſe men in Affection, who differ not only in Opinion, but Practice too, in matters of Religion.

For theſe reaſons my Author ſaith this Vote was made in order to a repeal of them by a Bill to be brought in, and preſently he grows Pettiſh, and tells us, *None but a Frenchman could have the confidence to declaim againſt a proceeding ſo regular and Parliamentary as this.* Pag. 24.

Your humble Servant Sir, I pray be a little pacified, you may poſſibly be miſtaken as well as another man, but would, I believe, take it a little unkindly to be called Monſieur preſently. The very firſt Vote they made that day was this: *Reſolved, That whoſoever adviſed his Majeſty to Prorogue this Parliament, to any other purpoſe than in order to the paſſing of a Bill for the Excluſion of* James *Duke of* York, *is a betrayer of the King, the Proteſtant Religion, and of the Kingdom of* England; *a promoter of the French intereſt,*

and a Pensioner to France. So they knew they were to be Prorogued that very day, and as the Story goes, made more than ordinary haste to pass these Votes. Now, it was impossible that a Bill should be brought in, much less passed in that Session which was to end before night, and therefore this was not, nor could not be the cause of that Vote, and all your little Queries, founded upon this supposition, are silly and impertinent.

Pag. 24. *There was not the least direction or signification to the Judges which might give any occasion for the reflection which follows in the Declaration. The due and impartial execution of the Laws, is the unquestionable duty of the Judges, and we hope they will always remember that duty so well, as not to necessitate a House of Commons to do theirs, by calling them to account for making private instructions the Rule of their judgments, and acting as men who have more regard to their Places than their Oaths.*

So the Dissenters may see they are mistaken when they think the Judges or Justices may forbear executing the Ibid. Laws against them upon the score of this Vote.

But tho the Judges are sworn to execute all Laws, yet there is no obligation upon any man to inform against another.

No Sir, Is not every Grand-Jury man, every Constable, and Churchwarden sworn to Present the breakers of our Laws as well as the Judges are to punish them? And as for the next Conundrams of yours, the comparing a parcel of Laws made within twenty years, to those Antiquated ones about Caps, and Bows and Arrows, and killing of Lambs and Calves, and your business of *Empson* and *Dudley*, they are such stuff as a man of half your understanding would have been ashamed to have mensioned in a good cause.

In the next place my Author acquaints us what are the Pag. 25. causes usually of disusing Laws, alterations of the Circumstances whereupon a Law was made; or if it be against

the

the genious of a People, or have effects contrary to the intents of the Maker, none of which can be ſaid in this caſe. Nor is that true which follows, that the quiet, ſafety, or trade of our Nation hath been promoted by the not executing of theſe Laws, as any man may know that can remember but ten years backward. *And therefore notwithſtanding the Vote of the Commons, the Judges may act wiſely and honeſtly if they ſhould encourage Informers, or quicken Juries by ſtrict and ſevere Charges. For the due and impartial execution of the Laws is the unqueſtionable duty of the Judges,* according to my Author, and therefore I will hope they ſhall not be accounted Knaves or Fools for doing their unqueſtionable duty.

But then my Author hath another quarrel with the Miniſters, and that was for numbring this Vote amongſt the cauſes of *the Diſſolution of that Parliament when the Black Rod was at the door of the Houſe, to require them to attend his Majeſty at the very time when it was made.* Pag. 25.

Well, ſuppoſe we ſhould grant that this was not one of thoſe Votes that occaſioned the Prerogation, it not being then made when that was reſolved on, yet it might occaſion their Diſſolution, which hapned ſome time after. And was not this an excellent time to make Votes for the bringing in of Bills for the Repeal of Laws when the Black Rod was at the door to call the Houſe to a Prorogation?

After a little anger againſt the Miniſters for arraigning one of the Three Eſtates, in the face of the World, for uſurping power over the Laws, impriſoning their fellow Subjects, Arbitrarily expoſing the Kingdom to the greateſt dangers, and indeavouring to deprive the King of all poſſibility of ſupporting the Government, (the man hath forgot how often he hath arraigned the Long Loyal Parliament for a parcel of Mercenary Penſioners) he in the Pag. 11, 20.

next place falls foul upon the Clergy for publiſhing this Declaration like an Excommunication in all Churches.

Pag. 26. *But if they* (the Miniſters) *erred in the things they judged rightly in the choice of the perſons who were to publiſh it. Blind Obedience was requiſite, where ſuch unjuſtifiable things were impoſed, and that could be no where ſo intire as amongſt thoſe Clergy-men whoſe preferment depended upon it.*

Yes, without doubt, ten thouſand Clergy-men did expect to be preferred preſently for this piece of blind Obedience. Yet he is at it again in the next page, a Set of Presbyterian Clergy would not have been ſo tame. Well, but this would not have done tho, *If the Paper, which was to be read in the Desk, had not been ſo ſuitable to the Doctrine which ſome of them had often declared in the Pulpit.* Then it did not go againſt their Conſciences.

It did not become them to inquire whether they had ſufficient Authority for what they did, ſince the Printer calls it the Kings Declaration.

No; Where, or of whom ſhould they have enquired? And it being Printed by the Kings Printer, with his Majeſties Royal Arms before it, and ſent them by their Ordinaries the Biſhops, they had no reaſon to queſtion whether it were the Kings or no. And there was as little reaſon that they ſhould concern themſelves, *Whether they might not one day be called to an account for publiſhing it.* They had reaſon to truſt that his Majeſty, who commanded them to do it, would protect them in their blind Obedience. *And as for his Law-Quirks, whether what his Majeſty ſingly Ordered when he ſate in Council, and came forth without the Stamp of the Great Seal, gave them a ſufficient warrant to read it publickly.* Theſe things never entered into their heads.

Well, but Sir, tho thoſe *ſame Clergy-men, driven on by Ambition, might act in this without fear or ſhame, and think*

as

as little of a Parliament, as the Court Favourites, who took care to dissolve that at Oxford, *before they durst tell us the faults of that at* Westminster. Tho it might be so as you say, yet the Shoal of Addressors that came in to thank his Majesty for that Declaration, they had more light; and, Sir, if you be resolved to call all these Ministers, all these Clergy-men, all these Addressors to an account in the next Parliament, pray for cold weather, and long days, and another Parliament, that may sit for ever if it please, or you may happen to want time to go through with so pious and good a work.

But Sir, tho the Ministers durst not discover the faults of the *Westminster* Parliament till they had taken care to dissolve that *Oxford*, his Majesty in his Speech there, did. Which he began thus:

The unwarrantable proceedings of the last House of Commons were the occasion of my parting with the last Parliament: For I, who will never use Arbitrary Government my self, am resolved not to suffer it in others. I am unwilling to mention particulars, because I am desirous to forget faults, &c.

The gracious Speech there made, and the gracious Declaration that followed, are so much of a piece that we may justly conclude the same persons to have been the Authors of both. *Pag* 27. *of this Book.*

So that you may see if you please that the *Oxford* Parliament was told in general the faults of that which preceded in order to their avoiding them, if they could have made that good use of his Majesties Advice, which will render them the less excusable to all the world.

So now we come to that Parliament at Oxford, *which saith the Declaration was assembled as soon as that was dissolved; and* (saith my Author) *might have added, Dissolved as soon as Assembled, the Ministers having imployed the People forty days in chusing Knights and Burgesses to be sent home in* Pag. 273.

Right:

Right, with a Declaration after them, as if they had been called together only to be affronted.

As to the People, if their Knights and Burgeſſes came back ſooner than they expected, they had reaſon to thank themſelves, who had twice before ſent up the ſame men; and as you obſerved before, the people do not change ſuddenly, ſo neither doth the Court, but doth as certainly ſend back a Parliament, that will not be governed, as the People ſend them. And the People were overjoyed too, to ſee them again, for when they went out they had told them, they never expected to come back again. So that ſo ſpeedy and ſafe a return was as welcome to them that ſent them, as could be imagined.

Pag. 6.

As for the Knights and Burgeſſes themſelves they had fair warning given them by his Majeſty before-hand, and if they would affront either Him, or the Upper Houſe, they did it at their apperil; and it was well they ſcaped ſo well, as to be ſent home with a Declaration after them.

Pag. 27. *My Author acknowledgeth that his Majeſty failed not to give good Advice unto them, who were called together to Adviſe him.* And ſo many; I might ſay, all our former Princes have done before his Majeſty; and commanded them too, not to meddle with ſuch and ſuch things; yea, and puniſhed private Members ſometimes for doing otherwiſe. The Lord Keeper in the 35 year of Queen *Elizabeths* Reign ſpoke thus to the Commons.

Proceedings of the four laſt Parl. *Pag.* 32.

"It is her Majeſties pleaſure, the time be not ſpent in "deviſing and enacting new Laws, the number of which "are ſo great already, that it rather burtheneth than eaſeth "the Subject, &c.

Vide, p. 178.

"And whereas heretofore it hath been uſed that many "have delighted themſelves in long Orations, full of Ver-"boſity and vain Oſtentations, more than in ſpeaking "things of ſubſtance, the time that is precious would not "be

"be thus ſpent. And in the ſame Parliament, the Lord Keeper upon the uſual demands by the New Speaker, ſaid thus:

"To your three demands the Queen anſwereth, Liberty "of Speech is granted you, &c. but you muſt know what "priviledge you have, not to ſpeak every one what he "liſteth, or what cometh in his brain to utter, but your "priviledge is to ſay Yea, or No. Wherefore Mr. Speaker, her "Majeſties pleaſure is, that if you perceive any Idle Heads, "which will not ſtick to hazard their own Eſtates, which "will meddle with Reforming of the Church, and tranſ-"forming of the Commonwealth; and do exhibit any "Bills to that purpoſe, that you receive them not, until "they be viewed and conſidered of by thoſe whom it is "fitter ſhould conſider of ſuch things, and can better judge "of them.

"To your perſons all priviledge is granted, with this "Caveat, that under colour of this Priviledge, no mans "ill doings, or not performing of Duties, be covered and "protected.

"The laſt free Acceſs, is alſo granted to her Majeſties "Perſon, ſo that it be upon urgent and weighty cauſes, "and at times convenient, and when her Majeſty may "be at leiſure from other important cauſes of the "Realm.

Now, let what his Majeſty ſaid at *Oxford* be compared with this, and let any man tell me whether the Parliament deſerved any commendation from my Author, for their having ſo much reſpect to the King, *as not particularly to complain of the great invaſion that was made upon their Liberty of Propoſing and Debating Laws, by his telling them before-hand what things they ſhould meddle with, and what things no reaſon they could offer ſhould perſuade him to conſent unto.* Pag. 27.

In

Feb. 24. 1592. 35 Eliz. *In that very Parliament I have mentioned, Mr.* Peter Wentworth *and Sir* Henry Bromley *delivered a Petition unto the Lord Keeper, therein desiring the Lords of the Upper House to be suppliants with them of the Lower House unto her Majesty, for entailing the Succession to the Crown; whereof a Bill was already drawn.*

Her Majesty was highly displeased therewith, after she knew it, as a matter contrary to her former streight Commandment, and charged the Council to call the Parties before them. Sir Thomas Henage *presently sent for them, and after speech with them, commanded them to forbear coming to the Parliament, and not to go out from their Lodgings,*

Prerogative of Parliaments, *Pag.* 56. *The next day, being Sunday, Mr.* Peter Wentworth *was sent prisoner to the Tower; Sir* Henry Bromley, *one Mr.* Richard Stephens, *and Mr.* Welch, *the other Knight for* Worcestershire, *were sent to the Fleet.* And Sir *Walter Rauleigh* tells us, *Wentworth* died in the Tower, tho this Motion was but supposed dangerous to the Queens Estate.

Yet here was no express Command against it, but only a general Command which I have recited; neither doth it appear that any disherison of any right Heir to the Crown was intended. And in this very Parliament one Mr. *Morris*, Attourney of the Court of Wards, bringing in a Bill against the abuses of the Bishops, as he pretended, *in Lawless Inquisitions, injurious Subscriptions, and binding Absolution;*

Feb. 28. 1592. *he was the next day sent for to Court, and committed unto Sir* John Fortescues *keeping. And upon both these the Queen sent this Message to the House by their Speaker.*

" It is in me, and my power, to call Parliaments, and " it is in my power to end and determine the same; it " is in my power to Assent or Dissent to any thing done in " Parliament.

The Calling of this Parliament was only that the Majesty of God might be more religiously served, and those that neglected this Service might be compelled by some sharper

means

means to a more due Obedience, and a more true ſervice of God than there hath been hitherto uſed. And further, that the ſafety of her Majeſties Perſon and of this Realm might be by all means provided for againſt our great Enemies, the Pope and the King of Spain.

And accordingly in this Seſſion of Parliament was the ſharp Statute made againſt the Diſſenters, which was deſigned to have been repealed, when the Bill of Repeal was loſt in the Houſe of Lords.

Her Majeſties moſt excellent pleaſure being then delivered unto us by the Lord Keeper, it was not meant we ſhould meddle with Matters of State, *or in Cauſes Eccleſiaſtical; (for ſo her Majeſty termed them) ſhe wondered that any would be of ſo high Commandment to attempt (I uſe her own words) a thing contrary to that which ſhe had ſo expreſly forbidden, wherefore with this ſhe was highly diſpleaſed.*

And in all her Reign after durſt no man attempt to meddle with either of theſe things. Now I have taken the pains to tranſcribe all this out of the tranſactions of her Reign rather than of any other, becauſe ſhe was never accuſed of affecting Arbitrary Government, or Popery, but was beloved of all her Subjects whilſt ſhe lived, and her Memory is, and ever will be had in honour by all Engliſh men, and ſhe ought to be a pattern for all her Succeſſors.

And now let us hear our modeſt Vindicator. *But every man muſt be moved to hear it charged upon them as an unpardonable diſobedience, that they did not obſequiouſly ſubmit to that irregular command of not touching on the buſineſs of the Succeſſion. Shall two or three unknown Minions take upon them, like the Lords of the Articles of* Scotland *to preſcribe unto an Engliſh Parliament what things they ſhall treat of? Do they intend to have Parliaments,* inter inſtrumenta ſervitutis, *as the Romans had Kings in our Country? This would quickly be if what was then attempted had ſucceeded, and ſhould be ſo purſued hereafter, that Parliaments ſhould* Pag. 27.

be directed what they are to meddle with, and threatned if they do any other thing: For the loſs of Liberty of freedom of Debate in Parliament, will ſoon and certainly be followed by a general loſs of Liberty.

This is the right temper and Spirit of a good Commonwealth man, thus did your Fathers talk in the days of his Majeſties Father, till Priviledge of Parliament had eat up all the Prerogatives of the Crown, and the Liberties of the Subjects, and delivered us over to ſlavery, poverty, and confuſion, ſo that the Tyrannical, Arbitrary, bloudy Government of *Oliver Cromwel* was thought a bleſſing to the Nation, in compariſon of theſe Parliamentary Inſtruments of ſlavery, and their Legions, which I hope this Generation will ſo well remember as never to ſet it up, or ſuffer it to be ſet up more in my days.

Pag. 28. My Author having told us in the next place, *That the King ought to diveſt himſelf of all private inclinations, and force his own affections to yield unto the Publick Concernments, and therefore his Parliaments ought to inform him impartially of that which tends to the good of thoſe they repreſent, without regard of perſonal paſſions, and might worthily be blamed if they did not believe that he would forgo them all for the ſafety of his People*; Concludes, *That therefore if in it ſelf it was lawful to propoſe a Bill for Excluding the Duke of* York *from the Crown, the doing it after ſuch an unwarrantable ſignification of his pleaſure would not make it otherwiſe.*

To which I reply, that Parliaments as Subjects are more bound to comply with the natural and reaſonable Affections and Paſſions of their Princes, than Princes are in the ſame Circumſtances with thoſe of their Subjects. And that in this caſe his Majeſties own Perſonal ſafety and intereſt was wrapt up in that of his Brother; for if he might be Excluded, another might be Depoſed on the ſame pretence, as *Coleman* ſaid truly enough. And tho it

ſhould

ſhould be granted that Parliaments ought to inform Princes, yet it is certain, they ought not to force them; they had informed the King in the two former Parliaments what they thought of this Affair, and his Majeſty had rejected their Advice, and in the beginning of this Parliament at *Oxford* had told them, *That what he had formerly, and ſo often declared touching the Succeſſion he could not depart from.* And after all this for them to enter again upon it in the very firſt place, looked like an intended force: And then tho the thing were lawful in it ſelf, it may be thought unreaſonable thus to purſue it; and Queen *Elizabeth* would have made them have felt the Effects of her reſentment for preſuming to be of ſo *high Commandment*, if ſhe had been in his Majeſties place.

In the next place we are told his Majeſties unuſual ſtiffneſs upon this occaſion, begins to be ſuſpected not to proceed from fondneſs to his Brother, much leſs from any thoughts of danger to the Engliſh Monarchy, by ſuch a Law, but from the influence of ſome few ill men upon his Royal mind, &c. Pag. 28.

Now let all the World judge betwixt the King and this Party; they grant the King has been heretofore compliant enough to their deſires; and then in the rudeſt Language that ſpight and ſcorn could dictate, conclude, againſt ſenſe and reaſon, that it was not fondneſs to his Brother, nor kindneſs to the Monarchy, but the ill influence of a few men that had thus diſpoſed him. A likely thing, that he which could give up a Brother, and be ſo unconcerned for his Crown, ſhould be ſo ſtupid rather than ſtiff as to venture all for a few ill men. *Creatures to the Duke, and Penſioners to* France, *wicked Wretches who have infected him with the fatal Notion, that the Intereſts of his People are not only diſtinct, but oppoſite to his.* Ibid. No words I can write are ſharp enough to reprove this Miſcreant, that thus rails againſt his and my Sovereign the Lords Anointed, and therefore to God Almighty I leave it.

He tells us in the next place, his Majesty doth not seem to doubt of his Power in Conjunction with his Parliament to Exclude his Brother. He very well knows this Power hath been often Exerted in the time of his Predecessors.

Yes, doubtless his Majesty hath read the English Story, and observed at the same time, that more Princes have been deposed by Pretended power of Parliament than Excluded; and he very well knows that if he shall yield that an Argument drawn from Example is valid, he will then stand upon slippery ground. He also knows that the right Heir was never put by but a good plenty of Miseries, Wars, and Calamities followed upon it; and he is able to foresee, that if the same should happen again, the French King may easily possess himself of these miserable Kingdoms, and therefore it is fairly probable love to his People as well as his Brother hath kept him from consenting.

Pag.28. *The reasons he saith that his Majesty hath alledged are because it concerned him so near in Honour, Justice, and Conscience, not to do it.*

And are not these three powerful Arguments? But my Author can ridicule them, and turn them all against the King. *It is not* (saith he) *honourable for a Prince to be true and faithful to his Word and Oath? To keep and maintain the Religion and Laws Established?* Yes, who doth question it, but all this, and all that he hath said besides, may be done without Excluding his Brother, who would have just as much right (supposing the King dies without lawful Issue) to the Reversion, as his Majesty hath to the present Possession. And can his Majesty wrong him of that Right without a blemish to his Honour, Justice, and Conscience? Who will ever after dare to relie upon his Majesty if they once see him desert his own Brother?

Pag.29. *But that which follows is amazing. All Obligations of Honour, Justice, and Conscience, are comprehended in a grateful return of such benefits as have been received, can his Majesty believe*

believe that he doth duly repay unto his Proteſtant Subjects, the kindneſs they ſhewed him, when they recalled him from a miſerable helpleſs Baniſhment, and with ſo much dutiful affection placed him in the Throne, enlarged his Revenue above what any of his Predeceſſors had enjoyed, and gave him vaſter Sums of Money in twenty years, than had been beſtowed upon all the Kings ſince William *the Firſt? Should he after all this deliver them up to be ruined by his Brother?*

It ſhould have been, Should he after all this deliver them up to be ruined by the Diſſenters: and the Faction that Murthered his Father, drew up an Oath of Abjuration of the whole Family of the *Stuarts*, hanged, plundered, murthered, ſequeſtred, and deſtroyed ſo many of his Loyal Nobility, Gentry, and Clergy? Sir, I am not ſo ill bred as to Catechiſe my Sovereign, but I thing I may without offence ask the Whigs a few ſmall queſtions. Have you the impudence after all the Villanies you have done, to Uſurp the Loyalty that you never were guilty of? Was it not enough to baniſh your Sovereign, and keep him twelve years in that miſerable helpleſs condition, but you muſt reproach him too with it? Did he not pardon you when you had forfeited your Lives and all you had to his Juſtice by all the Laws of God and man? Muſt he once more put himſelf into your power that he may try whether you will uſe him as you did his Father? Have you not repined at his Reſtitution, endeavoured to Baniſh him the ſecond time by all the Arts imaginable? Have you not murmur'd at all that has been given him? Slandered that Parliament that gave it whilſt it ſate, and ſince it was diſſolved, laboured to repreſent it to the Nation as the worſt Parliament that ever ſate? Have not you, Sir, called them *Danby's* Penſioners, Mercenary Penſioners? *&c.* And can you

The Lord Chancellor told the Parliament *May* 19. 1662. that they had well provided for the Crown by the Bill of the Militia, and the Act for the Additional Revenue, to their high Commendations. How froward and indiſpoſed ſoever many are at preſent, who finding ſuch obſtructions laid in their way to Mutiny and Sedition, uſe all the Artifice they can to perſuade the People that you have not been ſolicitous enough for their Liberty, nor tenacious enough for their profit, and wickedly labour to leſſen that reverence towards you, which ſure was never more due to any Parliament.

you ſhew any vaſt, or indeed competent Sums of Money given to the King ſince you know when? And after all this, have you the inſolence to call your ſelves Proteſtants, or own your ſelves Subjects? And expect the King ſhould, in pure gratitude for what you never did, lay all at your feet again? As for thoſe Proteſtant Subjects who, beſides all that you have falſely aſcribed to your ſelves, fought for him and his Father, they do not fear his Majeſties Brother would ruine them if he could, and therefore have by thouſands thanked his Majeſty for his care in preſerving the Succeſſion in its due and legal courſe of deſcent.

Pag. 30. In the next Paragraph my Author is very Politick, and tells us, *Our Anceſtors have been always more careful to preſerve the Government inviolable, than to favour any perſonal pretences, and have therein conformed themſelves to the practice of all other Nations, whoſe examples deſerve to be followed.*

That is, they have been more careful to preſerve the Mornarchy it ſelf, and the Liberties of the Subject, than the due and legal Deſcent in the Succeſſion. This is certainly true. And they have paid well for neglecting the other; as is apparent to any body that has read the Hiſtory of *England*. I will inſtance only in the Wars betwixt the Houſes of *Lancaſter* and *York*. *Richard* II. being depoſed and murthered, *Henry* IV. who had no Title, but was a brave Prince, was ſet up. But mark the Conſequence, before this Quarrel could be ended in *Boſworth* Field, there periſhed 80998 Private Souldiers, two Kings, one Prince, ten Dukes, two Marqueſſes, twenty one Earls, twenty ſeven Lords, two Vicounts, one Lord Prior, one Judge, one hundred thirty nine Knights, four hundred forty one Eſquires, and my Author knows not how many Gentlemen, in twelve Battels. The total, ſaith my Author, of all the perſons that have been ſlain is, 85628. Chriſtians, and moſt of them of this Nation. Is it

The continuation of the Hiſtory of *England* by *John Truſſel.*

fit

fit to run the Riſque of ſuffering all this over again?

As to his Examples of Princes that have been Excluded upon the account of Religion, or for other ſmaller matters, they prove nothing, but that ill things have been done, but ought they therefore to be reacted? As for his railing Accuſations brought againſt his Royal Highneſs, they deſerve ſo much the leſs conſideration becauſe he treats the King at that abominable rate he doth; of whoſe Clemency, Juſtice, and Compaſſion all *Europe* are Witneſſes.

Having concluded there muſt be a War; he ſaith, *Let it be under the Authority of Law, let it be againſt a Baniſhed Excluded Pretender. There is no fear of the Conſequence of ſuch a War. No true Engliſhman can joyn with him, or countenance his Uſurpation; after this Act, and for his Popiſh and Forein Adherents, they will neither be more provoked, nor more powerful by the paſſing of it.* Pag. 31.

This man all along ſuppoſeth that neither the Duke nor the King have any natural Hereditary Right to the Crown; but talketh as if it were meerly at the pleaſure of the People and their Repreſentatives to make what man they pleaſe King of *England*, ſuppoſing that a Son of an Emperour of *Germany*, or of a King of *Poland*, were paſſed by or Excluded, and ſhould enter a War for the gaining of that Crown, to which for want of an Election he had never any legal right, he might be ſtiled a Pretender or an Uſurper; but in an Hereditary Kingdom it can never be ſo, if according to the before cited opinion of K. *James*, no Act of Parliament can extinguiſh the Dukes Right, which God and Nature hath given him, in caſe the King ſhould die before his Royal Highneſs without lawful Iſſue, tho it may prevent his obtaining it. So that he can never be an Uſurper or Pretender till the *Monarchy* of *England* is declared to be Elective. And this may be thought to be one reaſon why his Majeſty ſhould never yield the point. And as for my Authors confidence

confidence in the ſucceſs of ſuch a War, it ſpeaks nothing but his earneſt deſire of one, rather than not to have his Will, and I hope the Nation will have no occaſion to prove him a falſe Prophet.

Pag. 31. *Nor will his Excluſion make it at all neceſſary to maintain a ſtanding Force, for preſerving the Government, and the peace of the Kingdom. The whole People will be an Army for that purpoſe, and every heart and hand will be prepared to maintain that ſo neceſſary, ſo much deſired Law.*

If all this were true, there would be no need of an Army indeed, but then there would alſo be as little need of an **Aſſociation** too, for I never heard of a Prince that was able to compel three whole Nations to ſubmit to him againſt all their Wills, and without Forein Aids. But, Sir, the Houſe of Commons thought the latter neceſſary, or elſe they would never have deſired that his Majeſty would be likewiſe *Graciouſly pleaſed to Aſſent to an Act whereby his Majeſties Proteſtant Subjects may be enabled to* Aſſociate *themſelves for the defence of his Majeſties Perſon, the Proteſtant Religion, and the ſecurity of your Kingdoms.* This was thought as neceſſary as the Bill of Excluſion, and what kind of Aſſociation ſome men intended is well enough underſtood now by the whole Nation.

Addreſs of *Decemb.* 21. 1680.

As to his Recrimination upon the Miniſters for the two Armies and the Guards; let him ſet his heart at reſt, for the World is very well ſatisfied, the one were never intended to be kept up, and it is hoped the other (the Guards) will be ever formidable to ſuch Gentlemen, as my Author, who in kindneſs to the Queen of *Scots* Title, and the Bill of Excluſion, is, like a good Proteſtant, contented to inſinuate that Queen *Elizabeth* was a Baſtard, though born in Matrimony. For ſo ſhe muſt be, if what the Papiſts ſay of her having no other Right but only that of an Act of Parliament, by which *Mary* Queen of *Scots* was Excluded, be true.

In

In the next Paragraph my Author endeavours to face his Majesty down, *That nothing was intended by those other ways which were darkly and dubiously intimated in his Majesties Speech unto the Parliament at* Oxford, *and repeated in the Declaration; and he saith, that his Majesty in his wisdom could not but know that they signified nothing.* Pag. 32.

Now this is a strange way of proceeding with Princes, and would anger a private man. *The Regency signified nothing, the distinction betwixt the Kings Personal and Politick Capacity was unfeasible; the Pope might absolve him from all Oaths, as he did King* John, *and* Henry III. *and it would be more fatal to us when* Religion *is concerned, which was not then in question. His Confessor would excite him against us, and he who has made use of all the Power he has been intrusted with hitherto for our destruction,* (witness his Naval Wars against the Dutch) *would certainly Elude all Methods but the Bill of Exclusion, and if it were otherwise, there was no hopes of having any fruit of any Expedient without a War; and to be obliged to swear Allegiance to a Popish Prince, to own his Title, to acknowledge him Supreme Head of the Church, and Defender of the Faith, seems* (says my Author) *a strange way of entitling our selves to fight with him.* Pag. 33.

It doth so; and therefore all those that are resolved on a War will I suppose never do it. But are all these Titles annexed to the Crown as Protestant, or as imperial and subject to none but God? Did they belong to *Henry* VIII. or did they not? And supposing no Expedient should be used, would not the Number, Constancy, and Resolution of the English Nation, and Protestants in it, preserve the Religion in one Prince's Reign, tho of a different Religion, without a War?

The Expedient propounded by his Majesty, that if means could be found, *That in case of a Popish Successor, the Administration of the Government might remain in Protestant hands,* whether it be feasible or no, shews an inclination in

his Majesty to submit to any thing but what will ruine both him and his Brother, as the Bill of Exclusion, backed with such an Association, as was lately found, certainly will. In short, this Case is beset with so many and great difficulties that it baffles all humane wit and understanding to provide such an Expedient for it, as may be secure and satisfie; and therefore when all is done that can be done, it must be left to God Almighty, who only can, and will determine it.

Having denied the charge in the Declaration, *That there was reason to believe that the Parliament would have passed further to attempt some other great and important changes even at present*, and according to his wont, schooled the King; and told the Ministers, *That they hate Parliaments, because their Crimes are such that they have reason to fear them.* He relents a little, and tells us, if they (*the Ministers*) by that expression meant, *That the Parliament would have besought the King that the Duke might no longer have the Government in his hands.* This is a little hard to be understood, the Duke not being then in *England*. 2. *That his Dependants* (those that had voted against the Bill) *should no longer preside in His Councils, no longer possess all the great Trusts and Offices in the Kingdom.* 3. *That our Ports, our Garrisons, and our Fleets should be no longer governed by such as are at his devotion.* 4. *That Characters of Honour and Favour should be no longer placed on men that the Wisdom of the Nation* (the House of Commons without the Lords, for they have it seems lately got a Patent to Monopolize all the Wisdom of the Nation) *hath judged to be favourers of Popery, or Pensioners of* France. *These are great and important Changes, but such as it becomes Englishmen to believe were designed by that Parliament, and such as will be designed and prest by every Parliament, and such as the People will ever pray may find success with the King; without these Changes* (and the Association forgotten by my Author)

Pag. 34.

Author) *the Bill of Exclusion would only provoke, not disarm our Enemies. Nay, the very money which we must have paid for it, would have been made use of to secure and hasten the Duke's return upon us.*

Now this was all perhaps was meant by that passage in the Declaration, and the Consequences of these things are such that no beseeching will ever obtain them, till his Majesty is weary of all he hath, and therefore it well becomes all English men, that do not design another Rebellion, for time to come to design, and pray: and our Parliaments to press for some other things that may be fitter for them to ask, and his Majesty to grant. I conclude with the Wisemans Advice, *My Son fear thou the Lord and the King: and meddle not with them that are given to change. Especially to such important changes.*

In plain English there must be a *Change*, we must neither have Popish Wife, nor Popish Favourite, nor Popish Mistris, nor Popish Counsellor at Court, nor any new Convert. We want a Government and a Prince that we may trust, *&c.* *A Speech of a Noble Peer of the Realm.*

We are now come to the consideration of that only fault which was peculiar to the Parliament at Oxford, *and that was their behaviour in relation to the business of* Fitz-Harris, *the Declaration says, He was impeached of High Treason by the Commons, and they had cause to think his Treasons to be of such an extraordinary nature, that they well deserved an examination in Parliament.* Pag. 35.

We shall by and by come to examine the reasons that made them think so, and in the interim it is worth the while to recite the very words of the Declaration which are these:

"The business of *Fitz-Harris*, who was impeached by "the House of Commons of High Treason, and by the "House of Lords referred to the ordinary course of Law, "was on the sudden carried on to that extremity, by the "Votes which the Commons passed on *March* 26. last, that there was no possibility left of a Reconciliation.

The Votes are these:

" *Resolved*, That it is the undoubted Right of the Commons in Parliament assembled, to impeach before the " Lords in Parliament, any Peer or Commoner, for Treason, or any other Crime or Misdemeanor: And that the " refusal to proceed in Parliament upon such impeachment, " is a denial of Justice, and a Violation of the Constitutions of Parliaments.

" *Resolved*, That in the case of *Edward Fitz-Harris*, who " by the Commons hath been impeached of High Treason " before the Lords, with a Declaration, that in convenient " time they would bring up the Articles against him for the " Lords to Resolve, that the said *Fitz-Harris* should be " proceeded with according to the course of Common Law, " and not by way of impeachment at this time, is a denial " of Justice, and a violation of the Constitutions of Parliaments, and an obstruction to the further discovery of " the Popish Plot, and of great danger to his Majesties Person, and the Protestant Religion.

" *Resolved*, That for any inferiour Court to proceed " against *Edward Fitz-Harris*, or any other person lying " under an impeachment in Parliament, for the same Crimes " he or they stand impeached, is a high breach of the Priviledge of Parliament.

Pag. 35. And now let us follow my Authors account of *Fitz-Harris* his business, *who, he says truly, was a known Irish Papist, and it appeared by the Informations given in the House, he was made use of by some very great persons to set up a Counterfeit Protestant Conspiracy, and thereby not only to drown the noise of the Popish Plot, but to take off the Heads of the most eminent of those who refused to bow their knees to* Baal, &c. *That this might look as unlike a Popish Design* (and be the better received by the people) *as was possible, they framed a libel full of the most bitter invectives against*

Oates tells us, these were the Protesting Lords, and the Leading-men in the House of Commons. Trial, pag. 28.

Popery

Popery and the Duke of York, *it carried as much ſeeming zeal for the Proteſtant Religion as* Colemans *Declaration, and as much care and concern for our Laws, as the penners of this Declaration would ſeem to have: But it was alſo filled with the moſt ſubtile inſinuations, and the ſharpeſt expreſſions againſt his Majeſty that could be invented, and with direct and paſſionate incitements to Rebellion.*

This Paper, as it appears by the account of it which was given at *Fitz-Harris* his Trial, was penn'd in the ſtile, and juſt like the Libels the ſober Proteſtants daily Print, and perhaps not much unlike our modeſt Vindicator, in the main, but had ſome things in it which they whiſper for the preſent, becauſe it is dangerous Printing of them. And ſome other things plainly ſpoken, which the other Party have a way to inſinuate craftily, ſo that it may be underſtood, and yet not hazard their ſweet lives. *Trial*, pag. 21.

This, ſaith my Author, *was to be conveyed by unknown Meſſengers* (*Oates* ſays by the Penny Poſt) *to their hands who were to be betrayed, and then they were to be ſeized upon, and thoſe Libels found about them, were to be a Confirmation of the truth of a Rebellion, which they had provided Witneſſes to ſwear was deſigned by the* Proteſtants, *and had before prepared men to believe by Private Whiſpers. And the credit of this Plot ſhould no doubt have been ſoon confirmed by ſpeedy Juſtice done upon the pretended Criminals.* Pag. 35.

And now it is time to give a little better account of this Libel, than perhaps the Author has given, it was penned by one Mr. *Everard*, by the direction of *Fitz-Harris*, he fearing he might be ſhamm'd, and that it was deſigned ſo, called in one Mr. *Smith*, and Sir *William Waller* into the buſineſs, that ſo he might clear himſelf of it, and trappan *Fitz-Harris*. Theſe two Gentlemen heard *Fitz-Harris* dictate the heads of it to *Everard*, and one of them heard him approve of it, when it was delivered to him. Mr. *Everard*

was

Pag. 24. was promiſed his reward for all this by the French Embaſſadour, as Sir *William Waller* ſwears in the Trial he heard *Fitz-Harris* ſay; and upon Sir *William Wallers* giving the King an account of it, *Fitz-Harris* was taken with the Libel about him.

Feb. 27. Being taken and committed to *Newgate*, he was examined the tenth day of *March* by Sir *Robert Clayton*, and Sir *George Treby*, There he ſpeaks not one word of the Author of the Libel. But being thus impriſoned, he found there was no way to ſave his life, but to curry favour with thoſe eminent men that had never bowed the knee to *Baal*. So that Story was ſet up, which he was not able to prove one Syllable of at his Trial, but however it was eaſily enough believed by them, who love to make the King and Court as odious as they can, as well as the Papiſts.

Said *Colledge*, If you do not joyn with *Fitz-Harris*, and charge the King home, you are the baſeſt fellow in the world, *&c. Colledge* Trial. pag. 30.

My Author goes on. *The heinous nature of the Crime,* Pag. 36. *and the greatneſs of the Perſons ſuppoſed to be concerned, deſerved an extraordinary Examination, which a Jury, who were only to enquire whether* Fitz-Harris *was guilty of framing that Libel, could never make; and the Commons believed none but the Parliament was big enough to go through with it.*

The Trial of this Perſon being extant, I muſt for brevity refer my Reader to it; and I ſee not how it had been poſſible for the Parliament to have ſifted that buſineſs of *Fitz-Harris* his being put upon this by the Court, to ruine the eminent men, more narrowly than it was at the Trial, and there was not one ſyllable proved by any of the Witneſſes he produced, which were many, and perſons of great worth, only Mr. *Oates* ſaid, he heard *Everard* ſay ſome ſuch thing, which *Everard* again denied upon his Oath. And Sir *William Waller* owned he had heard the King was diſcontented at his troubling him with this buſineſs; but Sir *William Waller*, Mr. *Smith*, and Mr. *Everard* proved it poſitively upon him that he had ordered the drawing of that

that Libel, had approved of it when it was drawn, and amended ſome words in it with his own hands. And now after all this to lay the Crime upon the Court, upon the ſuggeſtion of the Malefactor, was ſuch a piece of Juſtice as never was attempted.

Nor did they (the Commons) *only fear the perverſion of Juſtice, but the miſapplication of Mercy too,* &c. *becauſe when* Fitz-Harris *was inclined to Repentance, and had begun a Confeſſion, to the ſurprize of the whole Nation, without any viſible cauſe, he was taken out of the lawful cuſtody of the Sheriffs, and ſhut up a cloſe priſoner in the Tower.* Pag. 36.

That he had not only begun, but gone through with a Confeſſion appears by a Printed Narrative, taken by two, which I think were both of the Houſe of Commons, one I am ſure was. And when notwithſtanding this, ſome eminent men began to tamper with him to turn all this upon the Court; then, and not before, was he taken out of the cuſtody of the Sheriffs, and put into the Tower, that they might not make an ill uſe of him to the Damage of the King and the Government.

The Commons had therefore no other way to be ſecure that the proſecution ſhould be effectual, the Judgment indifferent, and the Criminal out of all hopes of Pardon, (unleſs by an ingenuous Confeſſion he could engage both Houſes in a powerful mediation to his Majeſty in his behalf.) But by impeaching him they were ſure no pardon could ſtop their ſuit, tho the King might releaſe his own Proſecution by his Pardon. Ibid.

What need there was here of any further or more ingenuous Confeſſion that he ſhould make, than what he had made I cannot imagine; but we may gueſs it was meant, that if *Fitz-Harris* ſhould lay the blame of this Libel on the Court, and ſay it was deſigned to Trappan the eminent men, then they would try to get him pardoned, but if he did not do this, then he ſhould have been hanged without mercy.

Well,

Well, But what if the King would not have consented to the Pardon, which was to have been purchased with his dishonour? Then the Commons would not have proceeded with their impeachment, and the Consequence would have been (if the Lords had not rejected the Impeachment) that then no inferiour Court could have tried him, and so he should never have been tried.

So that it is plain, that if the Lords had not rejected this Impeachment, *it would*, as the King saith in the Declaration, *have been made use of to delay a Trial that We had directed against a profess'd Papist charged with Treasons against Us of an extraordinary nature: And certainly the House of Peers did themselves Right in refusing to give countenance to such a proceeding.*

Pag. 36, 37, 38, 39. Part of the 36, and all the 37, 38, 39, Pages are spent by my Author to prove that a Commoner may be tried by the Peers in Parliament upon an Impeachment of the Commons; in which matter I will have no Controversie with him because he may be in the right for ought I know. And

Pag. 40. I have as little to say to him, whether such Commoners as are tried there ought to have any Juries, or whether the Lords rejecting the Impeachment was, or only looked, like a denial of Justice. For it is plain, that as good justice might be had, and in this case was had, in the Kings Bench as could have been had before the Lords, and if *Fitz-Harris* had been acquitted there, then the Commons might afterwards have impeached him of any branch of Treason that was not; or could not have been tried in the Kings Bench; so that the pretence he makes that part of his Treasons were thought such as could only be adjudged in Parliament, is impertinent, for the remainder were apparently such as he ought to be hanged for, in an inferiour Court, and he could suffer but once, and the taking notice of the rest would have been impertinent.

I think I may modeſtly ſay this, that the impeachment of Commoners before the Lords is ſo extraordinary a way, that it would be uſed as little as is poſſible; but theſe Gentlemen were for nothing elſe, and *Thompſon*, *Sheridon*, *Verdon*, and the Lord knows how many more, were to have been thus proceeded againſt, tho they were not perſons of ſuch extraordinary degree or quality, but they might full as well have been tried in any other Court, and the Conſequence of this would have been, that neither the Lords nor Commons would have had any leiſure for any thing elſe but this.

Might it not be well retorted by the People, that it had been long a matter extremely ſenſible to them, that ſo many Prorogations, ſo many Diſſolutions, ſo many other Arts had been uſed to delay the Trials, which his Majeſty had often deſired and the Parliament prepared for, againſt the five profeſſed Popiſh Lords charged with Treaſons of an extraordinary nature. Pag. 41.

The King might if he had pleaſed have charged this upon the Commons too, that notwithſtanding the long time they had been impriſoned, yet the Commons would not go on with their Trials, that they might legally and regularly be diſcharged. The Impeachment of the Earl of *Danby* before they had tried theſe five Lords occaſioned the diſſolution of the Long Loyal Parliament. A Controverſie betwixt the Lords and the Commons about the Trial of the ſaid Earl of *Danby* broke the next Parliament. Then comes the ſecond ſhort *Weſtminſter* Parliament, and having tried only one of them, the Earl of *Stafford*, when all the World were in expectation they would have gone on, and have tried the other four, they fell upon the Excluſion Bill, and that being rejected by the Lords, they fell upon the Revenue, and ſeemingly Voted the King a * Bankrupt, *Jan.* 7. by declaring that no man ought to truſt him further than he

* Sir Walter Raleigh ſith of a Parliament in Henry the Third's time, they put down the Purveyor of the Meat for the maintenance of the Houſe, as if the King had been a Bankrupt, and gave order that without ready Money he ſhould not take up a Chicken. *Prerogative of Parliaments*, p. 15.

had ready money; nor lend him any, and Declared that ſeveral eminent men of the Privy Counſellors were favourers of Popery, and enemies to the King and Kingdom, and for which and the other things they were diſſolved; then comes that at *Oxford*, with the Votes I have recited, for which, and for inſiſting upon the Bill for Excluding the Duke of *York* they were diſſolved. Could none of theſe Parliaments have tried the Popiſh Lords without theſe things? Yes, doubtleſs they might, but they would not, but kept theſe Lords in the Tower, that whatever provocation they ſhould give the King to Diſſolve or Prorogue them, ſtill the clamour might be that it was to prevent their Trials. And I am fully perſuaded there are ſome men in *England* would almoſt chooſe to be hanged themſelves rather than be deprived of this glorious and popular pretence of inſenſing the People againſt the King and the Court.

Pag. 41. If there be no other Evidence of the Unparliamentary and mean Solicitations uſed to promote this pretended Rejection of the Commons Accuſation, than this ſcurvy Hint in my Author, which he acknowledgeth not fit to be remembred, tho he cannot forbear Printing it, I ſuppoſe it is but a ſmall part of the Nation that will be extremely ſenſible of it.

But yet however if their Impeachment had not been rejected, *Fitz-Harris had long ſince been executed, or deſerved mercy by a full diſcovery of theſe malicious deſigns againſt the King and People, and the ſecret Authors of them.* And that he would certainly have done to have ſaved his own life, and then we ſhould have had an opportunity to have made the World believe, *that the King did hire* Fitz-Harris *to raiſe a Rebellion againſt himſelf, to defame himſelf, and inſenſe the minds of the People againſt him, for thus he defamed the King at his Trial.* This was all he could do to merit a Pardon by, and this he did at his Trial,

Trial, p. 54.

Trial, but was able to produce no teſtimony to back it.

But this Trial occaſioned ſtrange talk in *Weſtminſter* Hall, and Queſtions were raiſed of a ſtrange nature that will never have a determination in any inferiour Court, but will *aſſuredly at one time or other have a further Examination.* Theſe queſtions were moved then by *Fitz-Harris* his Counſel, and need never be determined. Pag. 41.

By the Term in the Declaration of the Lords having done themſelves right by refuſing to admit the Impeachment, he hath diſcovered the Penman of the Declaration, and ſays, he has done himſelf and the Nation Right, and diſcovered himſelf by uſing his ordinary Phraſe upon this occaſion. Now I thought verily the next word would have been his Name; no, but ſtay you there, *The Perſon is well known without naming him, who always tells men they have done themſelves no right, when he is reſolved to do them none.* Now cannot I tell any more whom he means, by this private token than the man in the Moon, and if he had graciouſly vouchſafed to have whiſpered his name in my Ear, and I had known that he had uſually thus expreſſed himſelf, yet I ſhould ſtill be a little jealous ſome Frenchman or other might be the Author of it, becauſe my Author hath given full as good evidence, Page 5. to prove it was ſo. Pag. 42.

As for the Commons nothing (ſays my Author) *was carried on to extremity by them, nothing done but what was Parliamentary, they could not deſire a Conference till they had firſt ſtated their own Caſe, and aſſerted by Votes the matter which they were to maintain at a Conference.* Ibid.

This was done effectually in the firſt part of the firſt and ſecond Vote, without adding, *That the refuſal of the Lords to proceed in Parliament upon ſuch Impeachment, is a denial of Juſtice, and a violation of the Conſtitution of Parliaments, and in the ſecond Vote, and an obſtruction to the further*

discovery of the Popish Plot, and of great danger to his Majesties Person, and the Protestant Religion.

Here the Declaration lays the stress of the business, and says, *That when either of the Houses are so far transported as to pass such Votes concerning the proceedings of the other, without Conferences first had to examine upon what grounds such proceedings are made, and how far they might be justified; this puts the Two Houses out of a Capacity of Transacting business together, and consequently is the greatest violation of the Constitution of Parliaments.* Now surely the House of Commons might have asserted their Right without these Expressions, which must needs insense the Lords, especially when they were Printed, and spread over the whole Nation.

Pag. 42. *But the House of Commons was so far from thinking themselves to be out of a Capacity of Transacting with the Lords any further that they were preparing to send a Message for a Conference to Accommodate this difference, at the very instant when the Black Rod called them to their dissolution.*

But this it is very probable was not known to his Majesty, so that it came too late to save them.

If every difference in Opinion and Vote should put the Two Houses out of a Capacity of transacting business together, every Parliament must be dissolved as soon as called.

Now, Sir, I could never have thought that it is so usual a thing for the Two Houses to make such Votes as these against each other; I am persuaded the Lords would never have treated with the Commons if a Conference had been demanded till the Conclusions of the first and second Vote had been recanted.

But the Ministers promoted this difference between the Two Houses, (what, did any of them dictate these Votes?) *and then broke the Parliament lest it should be composed.* And for this my Author gives you his own honest word over again in the next Page, and hopes no man will be so hard-hearted as not to believe him.

But

But my Author hath another quarrel againſt the Miniſters, becauſe they cenſure theſe Votes of the Commons as the greateſt violation of the Conſtitution of Parliaments; *They ought certainly* (ſays my Author) *to have excepted the power which is here aſſumed of giving ſuch a Judgment, and Publiſhing ſuch a charge, as being not only the higheſt violation of the Conſtitution, but directly tending to the deſtruction of it.* Pag. 43.

Well then, I for my part will never undertake to defend them in it. Aut I have obſerved one thing in theſe debates, that the Priviledges of the Houſe of Commons are not much unlike the Power claimed by the Pope, which is to judge all men, and to be judged by no man. So that whatever they are pleaſed to call Priviledge of Parliament I am bound to believe is ſo, with an implicit faith: For theſe Priviledges of Parliament are known to none but thoſe that ſit in St. *Stephens* Chappel, and if a man ſit there twenty years, yet he ſhall be allowed to know no more of them the day after he is turned out than I do.

The Declaration mentions one ſort of men who are fond of their old beloved Commonwealth Principles, and others are angry at being diſappointed in deſigns they had to accompliſh their own ambition and greatneſs. Surely (ſays my Author) *if they know any ſuch perſons, the only way to have prevented the miſchiefs which they pretend to fear from them, had been to have diſcovered them, and ſuffered the Parliament to ſit to provide againſt the evils they would bring upon the Nation, by proſecuting them.* Ibid.

I cannot but fancy my Author ſmiled to himſelf when he made this pleaſant Propoſition.

In the next place my Author gives us a deſcription of men of Commonwealth Principles; he tells us, *They are men Paſſionately devoted to the publick good, and to the common ſervice of their Country, who believe that Kings were inſtituted for the good of the People, and Government ordained* Ibid.

for

for the ſake of thoſe that are to be governed, and therefore complain or grieve when it is uſed to contrary ends, and that wiſe and honeſt men will be proud to be ranked in this number.

Now, as favourably as he hath drawn it, I aſſure him, I for my part am none of the number; for tho I know that if there were no People, there could hardly have been Kings, and that one main end of Government was the good of thoſe that are to be governed; yet I believe that God Almighty had ſome reſpect for Princes and Governours, and did not deſign only the good of the People, but their good too; and tho I can grieve, yet I am not apt to complain when things go amiſs.

My Author in the next place ſpends a great deal of learning to prove, *That the word* **Commonwealth** *ſignifies the common good, in which ſenſe it hath been uſed by all good Authors*, &c. Now, this I will yield him, with all my heart, that till one thouſand ſix hundred and forty all the World thought that a good Commonwealth man and a good Subject were terms that might be promiſcuouſly and indifferently uſed; but the Author cannot be ignorant, that not long after the word *Commonwealth* was ſo wholly appropriated to an odious *Democracy* by the Rebels of the late times, whoſe uſurped Seal and Coyn bore the Image and Superſcription of the Beaſt, that it is no ways likely it ſhould ever recover its Primitive ſignification.

And I dare aſſure him, that many of the Engliſh Nation will never be pleaſed to find in Parliament ſuch men as have ſo great a kindneſs for the word, as implies a hankering after the thing it has obtained to ſignifie.

Pag. 44. *But if the Declaration* (ſays my Vindicator) *would intimate that there had been any deſign of ſetting up a Democratical Government, in oppoſition to our Legal Monarchy, it is a Calumny juſt of a piece with the other thing which the Penners of the Declaration have vented, in order to the laying upon*

others

others the blame of a design to overthrow the Government, which only belongs to themselves.

Now, Sir, This is not the first time that his Majesty hath complained of a parcel of men who had such a design; and if you please we will inquire a little into the reason of it. That there was in the Nation a great number of men that had imbibed a Notion, that all other kinds of Governments but what had something of the Democratical form in them without a single Person, were Arbitrary and Tyrannical, I suppose will not be denied, that these men did not all of them expire when his Majesty landed from *Breda* is very probable, but his Majesty being setled, and all things running quite contrary to their Interest, as you have told us, may appear by comparing the Parliaments that were sent up in 1640. and 1660. these men were forced to seem more loyal than they were, that they might one day appear what they were. Pag. 6.

There hath not been a Week (since *Venners* rising) in which there have not been Combinations and Conspiracies formed against his Majesties Person, and against the Peace of the Kingdom, &c. *Lord Chancellors Speech*, May 8. 1661.

Now, Sir, it is not to be expected they should openly declare for the Commonwealth of *England*, and desire *Charles Stuart* to march off, and give them their right, when blessed be God they have neither Men nor Money to back such an insolence with, but yet we may be allowed to guess at their Designs by their Actions, and if that may be allowed, the Penners of the Declaration were not the only men that thought there was then, and is now, some Democratical or Commonwealth designs against the very Monarchy driving on, and you must excuse me if I say the Calumny lies at your doors, get rid of it as well as you can.

It is strange how this word should so change its significacation with us in twenty years. *All Monarchies in the world that are not purely Barbarous and Tyrannical have ever been called Commonwealths*, &c. Sir, I will grant more than Pag. 44.

that,

that, that all without exception have by ſome men been ſo ſtiled, and produced good Authors for it. But yet we that had ſo lately like to have been ruined by the word, and men that were fond of it, ſhall ever have reaſon to hate them and it, and a leſs ſpace of years than twenty ſuch as paſſed betwixt 40. and 60. might be allowed to render a word hateful, which in ſtrict propriety ſignifies the *Publick Affairs of a People managed by many with equal Authority.* I could eaſily anſwer all you have brought to defend the word, but the caſe being plain, I will not trouble my ſelf or my Reader; and therefore *if you have no other Argument to prove men guilty of a fondneſs to Arbitrary Power than their averſion for this word, I ſhall never go about to contend with you.*

Tacitus in the end of the Reign of *Auguſtus* ſaith, *Sents plerique inter Bella Civium nati, quotuſquiſque reliquus qui Rempub. vidiſſet? igitur verſus Civitatis ſtatus, nihil uſquam priſci & integri moris: Omnis exuta æqualitate juſſa Principis aſpectare.* H. lib. 1. In which paſſage Monarchy is oppoſed to the ancient Liberty or Commonwealth.

No man can have a greater Veneration for Parliaments than I have, but then who are they that have diſordered things to that height they lately were? You ſay the Miniſters are the men, whom you repreſent as you uſe to do, with bitter reflections on his Majeſty, and not the Parliament; others ſay, it was ſuch men as your ſelf; and the caſe hath been by both Parties referred to the People, and they have by thouſands given their Verdicts againſt thoſe their Repreſentatives, which to me is a ſtrong Argument the caſe is not ſo difficult as you pretend, for I do not conceive it poſſible to delude (*ſo great a part of the*) People into an abhorrence of their own Repreſentatives, without their having given them juſt cauſe. Pag. 45.

And if we look about us, we ſhall find thoſe who deſign a change, on either hand fomenting a miſunderſtanding between the King his Parliament and People, whilſt perſons who love the Legal Monarchy both out of Choice and Conſcience, are they who deſire the frequent and ſucceſsful meetings of the great Council of the Nation.

Sir,

Sir, if you durſt have ſpoken your mind plainly, I might poſſibly have thought this the only honeſt paſſage in this whole Book; but as it now ſtands it is to me apparent that you would not let your Conſcience in this paſſage give your Paſſion in all the reſt the lie.

Now, if I might interpret your meaning I ſhould gueſs it to be this, They that on the one hand pretend to maintain the Legal Monarchy, but do really intend to advance it into an abſolute form, without any dependence upon Parliaments, and they who pretend the ſame thing, but deſign to throw off the Monarchy, and put the whole Power into the hands of the People, *i. e. the Commonwealth Party*, are the men that have brought things into the diſorder they are now in. *Whilſt they who love the Legal Monarchy both out of Choice and Conſcience*, (amongſt which perſons I will ſubſcribe my name when occaſion requires,) *are they who deſire the frequent and ſucceſsful meetings of the Great Coucil.*

Now, Sir, here ſeems to be a little Juſtice in this, for as it were a high and flagrant piece of injuſtice to ſay that all that made up the Houſe of Commons in the two laſt Parliaments deſigned to ruine the Monarchy, and ſet up another Parliamentary Commonwealth of *England:* So it is the ſame notorious and baſe injuſtice in you to traduce the Miniſters in general, as you do throughout the whole Pamphlet, when as it is apparent enough, firſt, That his Majeſty never did intend to ſet up one Dram of Arbitrary Government. Secondly, That it is not poſſible for the Miniſters to do it without his conſent. Thirdly, That it is ſcarce poſſible for him and them to do it, if they had deſigned to do it, till there hath been another War. Fourthly, That never any conſiderable perſon, or number of perſons amongſt the Miniſters, did ever yet make one ſtep towards it. For all thoſe Acts that have been ſo baſely traduced are fairly defenſible. Thoſe that look worſt, the

See the Preface to the firſt part of the Addreſs to the Freemen, &c.

Tranſactions about 1671. and 72. not excepted, one of
Pag.19. which you your ſelf have excuſed, *viz.* the Poſtponing of all Payments to the Bankers out of the Exchequer: And the Declaration for Liberty of Conſcience, though you
Pag.22. ſtile it *an Arbitrary Power aſſumed to ſuſpend Penal Laws, and ſay the whole Nation was juſtly alarmed upon it*; yet I believe ſhould his Majeſty do the ſame thing over again, thoſe that now make the greateſt noiſe againſt Arbitrary Power without cauſe, would willingly enough accept of it. And yet there is no reaſon that the preſent Miniſters ſhould bear the blame of theſe things, when they that promoted them are now, Sir, in your Intereſts.

And, Sir, that the meetings of the Great Council may be ſucceſsful as well as frequent, one of theſe things muſt be, that either the People change the Members of the Lower Houſe; or that thoſe Members change their Methods of Proceeding; and till this be done theſe meetings, how frequent ſoever, can never be ſucceſsful. For if things be carried in the next Convention as they were in the late Parliaments, neither can the King, neither will the Nation endure it; and for all our Threats you will find, when you come to bring it into Act, ſuch difficulties as I care not to foretel, tho I can foreſee them.

Pag.45. *As for the other ſort of Peeviſh men, of whom the Declaration gives us warning, who are angry at the diſappointment of their Ambitious Deſigns. If theſe words are intended to reflect on thoſe men of Honour and Conſcience, who being qualified for the higheſt imployments of State, have either left, or refuſed, or be removed from them becauſe they would not accept or retain them at the Price of ſelling their Country, and inſlaving Poſterity: and who are content to ſacrifice their Safety as well as their Intereſt for the Publick; and expoſe themſelves to the malice of the men in power, and to the daily Plots, Perjuries, and Subornations of the Papiſts. I ſay, if theſe are the Ambitious Men ſpoken of, the People will have conſidera-*

conſideration for what they ſay, and therefore it will be wiſdom to give ſuch men as theſe no occaſion to ſay they intend to lay aſide the uſe of Parliaments.

This your Appeal to the People hath ſpoiled all the fine things you had ſaid before, for ſuppoſing all the reſt had been true (as it is notoriouſly falſe) yet this making the People the Judges is a kind of attempt to ſeparate them from their Governours, and exaſperate them againſt the Government, from whence muſt ſpring as great inconveniences as thoſe you pretend to avoid; and therefore had I been one of theſe men, I would never have appealed to them; but to God and my own Conſcience, and have ſate ſtill till he had pronounced the Sentence in this World, or that which is to come. You know, Sir, the People are not able to examine any thing, but being once put into a rage by ſuch ſpecious Harangues as theſe are, ruſh into diſorder and confuſion, and take all that endeavour to quiet them for Enemies and Papiſts, and ſo the guilty eſcape, and the innocent are cut in pieces. And beſides all this, never was any diſorder in a Government rectified by the People, but by a greater and more fatal diſorder; as we had experience in the late times, and very often before.

But let the Event be what it will, you are reſolved to ſtir up the People to the utmoſt to revenge your caſe upon the Government; and to that purpoſe inſinuate there is a deſign to lay aſide the uſe of Parliaments: as if you ſhould have ſaid, Stand to your Arms, Gentlemen, againſt theſe Miniſters, for as they have laid us aſide, *men of Honour and Conſcience, becauſe we would not ſell our Country, and enſlave Poſterity*; ſo the next thing to be done is the laying aſide Parliaments, and you are the men that muſt by your conſideration of us prevent this great miſchief.

This was pretty well, but the next is excellent. *In good earneſt, the behaviour of the Miniſters of late gives but too juſt occaſions to ſay, that the uſe of Parliaments is already laid* Pag. 46.

aside; for tho the King has own'd in so many of his Speeches and Declarations the great Danger of the Kingdom, and the necessity of the aid and counsel of Parliaments, he hath nevertheless been prevailed upon to dissolve four in the space of twenty six months without making provision by their Advice suitable to our dangers or wants.

My Author was sensible that the People might think that the former hint proceeded from Passion, or was not serious, or at least the danger was not eminent; and he comes now nearer to them, and tells them in *good earnest* they had but too just occasions to say that Parliaments were already laid aside as to any use of them; and he proved it too: Four had been dissolved in twenty six months; but three of them were called in that time. And this is an odd sort of laying them aside to call as many in twenty six months as heretofore have been called in so many years. Well, but there was *no provision made by their Advice suitable to our Dangers or Wants.* The fault, says the Declaration, was in them, *The King was willing to have done any thing which would have consisted with the very being of the Government.* He passed every Bill that was tendred; connived so long at the proceedings of the last Parliament of *Westminster*, that many men wondred, and some (that were neither Papists, nor Malefactors) murmured. And a grave man told the very Parliament, that he suspected they were *permitted to sit there, rather to destroy themselves than to save their Country.* And now after all this is his Majesty to bear the blame that *no provision was made by their Advice suitable to our wants and dangers.* Well, but the People, to whom my Gentleman is appealing, they will never understand nor consider these things, nor any thing else, and therefore my Gentleman did wisely to make them the Judges, but for the honesty of it, or the truth of any of this I have nothing to say.

Declaration.

Debates, p. 191.

Nor

Nor can we hope the Court will ever love any Parliament better than the first of those four, wherein they had so dearly purchased such a number of fast friends, men who having first sold themselves, would not stick to sell any thing after. And we may well suspect they mean very ill at Court, when their designs shockt such a Parliament. Pag. 46.

The business of the Pensioners hath been considered elsewhere, and need not here be repeated. Now, to me one of these things must be false, *viz.* that there was such a number of men who had so sold themselves: Or that the Court are such men as you, Sir, say they are. If these men had sold themselves, why did they not go on with the bargain? If the Court had such an interest in them, and such designs upon them and us, why did it part with them? *Especially when the Ministers knew they lost thereby a constant Revenue of extraordinary Supplies*, as you say they did, and I may say they have had little enough since. Oh, the Reason was, *they began in good earnest to examine what was done, and what was doing.* And therefore they were pack'd away: Well, the matter was not great, they were a company of *Pensioners, men that had sold themselves, and would not stick to sell any thing after.* And, Sir, if it were so, the Nation has no reason to complain of the Court for that, and I hope I too shall be excused if I have dropt a few less respective words of the three Parliaments that have since followed; for they are not better, nor more sacred than this, of which many of the Lord Chancellors have given high Encomiums, my Lord of * *Shaftsbury* not excepted. Address to the Freemen, p. 39. part. 2.

* Speech to the Parliament. Feb. 5. 1672.

Now let my Reader reflect on all this seriously, and tell me if any person, even *Fitz-Harris* himself, could possibly write *any thing worse than this; and which tended more to heighten the resentments of the Nation, and put the People into disorder and confusion.* The most direct and passionate incitements to rebellion he used, are not more likely to stir them, than our Authors warm and earnest applications on Pag. 35.

the

the behalf of theſe Ambitious men, as I perceive the Declaration rightly ſtiles them, for none but ſuch would ever deſire to ſee their Country imbroyled, and to that end appeal to the People. And ſuppoſing the People to be well
Pag. 6. diſpoſed that way, *it would be no wonder that the Miniſters dare not ſuffer a Parliament now to ſit*, till the People are in a better temper to chuſe one; but then, Sir, this is owing to ſuch men as you, and ſuch Books as yours, and you muſt anſwer for it.

Ibid. *But we have gained at leaſt this one point by the Declaration, that it is own'd to us, That Parliaments are the beſt Methods for healing the diſtempers of the Kingdom, and the only means to preſerve the Monarchy in Credit both at home and abroad. Own'd by theſe very men who have ſo maliciouſly rendered many former Parliaments ineffectual, and by this Declaration have done their utmoſt to make thoſe which are to come as fruitleſs, and thereby have confeſſed that they have no concern for* healing the diſtempers of the Kingdom, and preſerving the credit of the Monarchy, *which is in effect to acknowledge themſelves to be what the Commons called them,* Enemies to the King and Kingdom.

Juſt before, Sir, you had been proving them deſigning to lay all uſe of Parliaments aſide, and now you bring them in owning what will certainly ruine that deſign; not long before that you had been convicting them of a deſign of making the Monarchy Arbitrary and abſolute, and now they are unconcerned for the very Credit of the Monarchy. Are you in your right Wits? Do you think thus to prove them Enemies to the King and Kingdom? Why muſt thoſe Parliaments that are to come be as fruitleſs as thoſe that are paſt? The Miniſters may be changed, or the People may change, or the very Parliament men may change; and time may by Gods grace have ſtrange effects. And in the mean time his Majeſty is not in ſuch diſmal wants of a Parliament, but he can ſtay, and better none than a bad one,

a Rending instead of a Healing Parliament. And in the interim his Majesties good Subjects can rely as securely upon his Royal Declaration that he intends not to lay aside the use of Parliaments, as if there were one now actually sitting at *Westminster*.

However we rejoyce, that his Majesty seems resolved to have frequent Parliaments, and hope he will be just to himself and us, by continuing constant to this Resolution. Yet we cannot but doubt in some degree when we remember the Speech made January 26. 1679. *to both Houses, wherein he told them, that he was* unalterably of an Opinion, that long intervals of Parliaments were absolutely necessary for composing and quieting the minds of the People. *Therefore which we ought rather to believe the Speech or the Declaration, or which is likely to last longest, a* Resolution, *or an* unalterable Opinion, *is a matter too nice for any but Court Criticks to decide. The effectual performance of the last part of the promise will give us assurance of the first.* Pag. 47.

When, or where this Speech was spoken by his Majesty I cannot devise, for at the time assigned there could be none. The first short Parliament was Prorogued *May* 27. 1679. And the second met not till *October* 21. 1680. and was Prorogued the tenth of *January* following. I have read over all his Majesties Speeches too about that time, and I find not one tittle in them to this purpose.

But if there ever were any such Speech spoken (for I will not be positive there was not) it is fairly reconcileable with the very words of the Declaration, for the Statute made in his Majesties Reign calls Triennial Parliaments, *A frequent calling, assembling and holding of Parliaments*, which yet is a very long Interval in comparison of the time his Majesty hath hitherto interposed betwixt the Dissolving or Proroguing of one Parliament and the sitting of another; so that the matter was not so nice but it might have been deen determined by a meaner Critick than our Author, who 17 Car. 2. c. 13.

hath

hath ſhewn his great skill in the French Tongue in his
Pag. 5. learned Remarques on the Phraſe, it is a matter extremely ſenſible to us: And in the Latine upon the word *Republick*
Pag. 43, 44, or Commonwealth. If he had not from hence ſought an occaſion to call his Majeſties Fidelity in queſtion, which tho it may become a Republican, is very indecent in a good Subject.

Pag. 47. *When we ſee the real fruits of theſe utmoſt endeavours to extirpate Popery out of Parliament; when we ſee the Duke of* York *no longer firſt Miniſter, or rather Protector of theſe Kingdoms; and his Creatures no longer to have the whole direction of Affairs; when we ſee that love to our Religion and Laws is no longer a Crime at Court, no longer a fore-runner of being diſgraced and removed from all Offices and Imployments in their Power.*

That is, when the Duke of *York* is ruined, and not only his Popiſh, but his Church of *England* Creatures, who have ſhewn themſelves ſuch by Voting againſt the Bill of Excluſion be laid aſide. When *our Religion*, (which no man knows what it is) and that part of the *Laws* which we skulk behind now, to ruine all the reſt, and the King and Kingdom to boot, ſhall not hinder our Preferment whatever we do or ſay.

Ibid. *When the word* Loyal (*which is faithful to the Law*) *ſhall be reſtored to its own meaning, and no longer ſignifie one who is for ſubverting the Laws.*

That is, when men may ſafely pretend ſo much reſpect to the Laws, that they may affront his Majeſty who is the Fountain of all Laws, and the Protector of them, and us by them; when the word Loyal ſhall have no other relation to his Majeſty, than the ſame word (if in uſe there) hath in *Venice*, when ſpoken concerning their Duke.

When we ſee the Commiſſions filled with hearty Proteſtants, (*that is, with Whigs and Republicans*) and the

Laws

Laws executed in good earneſt againſt the Papiſts, (*and the Diſſenters paſſed by unpuniſhed.*) The Diſcoverers of the Plot countenanced, or at leaſt heard, and ſuffered to give their Evidence, (*except when they make bold with our ſelves, and ſuch as* Colledge, *and* Fitz-Harris, *and the Aſſociation-men, in which caſes they ought neither to be heard, nor believed.*) The Courts of Juſtice ſteady, and not avowing a juriſdiction one day which they diſown the next, (*but juſt ſuch as they were in the late times.*) When we ſee no more Grand-Juries diſcharged leſt they ſhould hear Witneſſes; nor Witneſſes hurried away leſt they ſhould inform Grand-Juries, (*tho it were againſt his Majeſty, and when all Grand-Juries are of the Family of* Ignoramus *the Lawyer, and will find according to their Conſcience, tho againſt both their Oath and their Evidence, eſpecially when a* Precious *man is in jeopardy to be hanged for ſomething done or ſaid againſt the King*) When we ſee no more inſtruments from Court labouring to raiſe jealouſies of (*Aſſociating Petitioning*) Proteſtants, (*who have a Patent from heaven to retail all the fears and jealouſies that ever ſhall from henceforward be put off in* England, Scotland, *and* Ireland, *and in all other his Majeſties Dominions and Countries whatſoever. And to that purpoſe have erected ſeveral Mints for the Coining of them in* London, *and the parts adjacent, and do maintain ſeveral Preſſes, and a great many Intelligencers to collect and diſperſe the ſame for the benefit of his Majeſties diſcontented Subjects, who receive much cõmfort by the worſt and falſeſt of them, and hope to have juſt ſuch another harveſt in the end, as they reaped from the ſame Seed in and about the years* 1640, 41, 42, *and ſo on till* 1660.) When we ſee ſome regard had to Proteſtants abroad, (*tho his Majeſty ſhould be, by our defaults, brought into ſuch ſtraits as hardly to be able to maintain the Government at home.*) When we obſerve ſomewhat elſe to be meant by *Governing according to Law*, than barely to put them in execution againſt

Diſſenters, (*in whom our ſtrength againſt the* Government *doth chiefly conſiſt*) the Laws made againſt Papiſts. (*In which number we deſire the Church of* England *men, that is, all that ſtick to the Religion by Law Eſtabliſhed, may be included*; *and*) then we ſhall promiſe our ſelves not only frequent Parliaments, (*but everlaſting ones*) and all the bleſſed effects of purſuing Parliamentary Councils, the Extirpation of Popery, (*and Prelacy,*) the redreſs of Grievances, the flouriſhing of Laws, and the perfect reſtoring the Monarchy to the credit (*which it had in* 1658, *and* 59.) both at home and abroad. There needs no time to open the Eyes of his Majeſties good Subjects (*the Whigs,*) and their hearts are ready prepared to meet him in Parliament, in order to perfect all theſe good Settlements and Peace (*which are*) now wanting in Church and State.

Colledges Trial, p. 18. 2d.

Pag. 48. *But whilſt there are ſo many little Emiſſaries imployed to ſow and encreaſe diviſions in the Nation, as if the Miniſters had a mind to make his Majeſty head of a Faction, and joyn himſelf to one Party in the Kingdom, who has a juſt right of Governing all,* (*which* Thuanus lib. 28. *ſays was the notorious Folly, and occaſioned the deſtruction of his great-Grandmother* Mary *Queen of* Scots) *whilſt we ſee the ſame differences Promoted indultriouſly by the Court, which gave the Riſe and Progreſs to the late troubles, and which were once thought fit to be buried in an Act of Oblivion.*

What is meant by the little Emiſſaries here I know not, nor will I gueſs. Nor did I ever obſerve the Miniſters had a mind to make his Majeſty the Head of a Faction, which your Author much blames in *Henry* III. of *France* too, when he ſuffered the Holy League, the Prototype of the Aſſociation, to be ſet afoot, and propagated ſo far before he took notice of it, that he was forced at laſt to attempt to make himſelf the Head of it, which was properly a Faction combined by an Oath againſt the Right Heir to the Crown, and a part of the Natural Subjects of *France*; on

pretence

pretence of Religion for the Excluſion of the firſt, and deſtruction of the latter, without, and againſt the conſent of the King; which cauſed a Rebellion in *France*, the deſtruction of the King, a ſooner Succeſſion of *Henry* IV. the right Heir, (upon changing his Religion) and if God had not prevented it, had betrayed *France* into the hands of the Spaniards, or Cantoned it into ſmall Principalities. Now, this is properly to make a Prince the head of a Faction without conſideration of the Riſe of our late Troubles; which ſprung from ſuch another League, but to countenance a Loyal Party more than a Rebellious one is not ſo, and whatever effect it had in the Reign of Queen *Mary*, his Majeſties Grandmother, ſeems the only way now to ſave *England*, and prevent the need of another Act of Oblivion and Indemnity for all thoſe Crimes that were pardoned by his Majeſty, but never repented of by them that acted them.

Whilſt we ſee then the Popiſh Intereſt ſo plainly countenanced, which was then done with caution, when every pretence of Prerogative is ſtrained to the utmoſt height, when Parliaments are uſed with contempt and indignity, and their Judicature, and all their higheſt Priviledges brought in queſtion in inferiour Courts, we have but too good reaſon to believe tho every Loyal and good man does, yet the Miniſters and Favourites do but little conſider the Riſe and Progreſs of the late troubles, and have little deſire or care to preſerve their Country from a relapſe. Pag. 48.

All this is Party-per-pale a juſtification of the laſt, and an Exhortation to another Rebellion, upon the ſelf-ſame falſe pretences only a little aggravated, becauſe the People are more ſlow to a new Rebellion than they were to the laſt.

And who (the Miniſters) *as they never yet ſhewed regard to Religion, Liberty, or Property, ſo they would be little concerned to ſee the Monarchy ſhaken off, if they might eſcape* Ibid.

the Vengeance of Publick Justice due to them for so long a course of Pernicious Counsels, and for Crowning all the rest of their faults by thus reflecting upon that High Court, before which we do not doubt but we shall see them one day brought to Judgment.

Sir, I suppose my Reader is very well informed by this time that your Pen is no slander, and I assure you there is some hopes of seeing your Party one day brought in Judgment for all your ill Courses which have so much dishonoured Parliaments, and by these repeated Threats endeavoured to make them *Odious* as well as *Dreadful* to so many who are Loyal (not in your hide-bound Notion, but) in the good old Christian acceptation of the word, in the affection of their Souls, of which humane Laws can take no notice, and that not to the Law which is nonsense, but to the King. But, Sir, how can you be so positive in your Menaces, who in the Page before were in some degree of doubt there might be a long interval of Parliaments, and so you may not see this One desirable day; but may happen to be brought to Judgment in the interim before a higher Court for all your slanders and defamations of your Sovereign the Lords Anointed?

Redde Reverentiam Prælato & Obedientiam quarum altera Cordis, altera Corporis est. Nec enim sufficit exterius obtemperare majoribus nostris, nisi ex intimo Cordis Affectu sublimiter sentiamus de iis. S. Bernard. Serm. 3. de Advent. This internal reverence due to the Sacred Majesty of our Kings, above all other Superiours whatsoever is that which we express by the word **Loyalty.**

Conclusion. And now, Sir, I have taken the same liberty in relation to you which you took with less modesty and reason against all the Ministers; and if you please you *may reply*, and for ought I know *the Press is as open for you as me*, and I had not taken all this pains but to shew the World, *your sheets are as weak, and as full of Errors; as of Malice* against the Ministers in pretence, but against his Majesty in good earnest. And if you had been pleased to have used the name of Evil *Counsellors instead* of Ministers, it would have been more apparent what you designed, and I do not in-

in the leaſt queſtion but there are very many Perſons in his Majeſties Dominions who are not only of *true Engliſh courage*, but *of greater intellectuals* than to be Cajoled by ſuch a Pamphlet as yours into an ill opinion of the King, his Miniſters, or the Declaration, of which number in every reſpect I do acknowledge my ſelf to be one of the meaneſt.

POSTSCRIPT.

THe Vindicator *Pag.* 43. of his Book hath concluded his Character of a Commonwealth man and his Principles, with this Expreſſion, that *Every wiſe and honeſt man will be proud to be ranked in that number*, perhaps yet all of them will not be of the ſame opinion when they have read that which follows, which I dare preſume to ſay is more truly drawn.

Religion. He is a great Admirer of the collective body of Proteſtants as conſiſts of a hundred and fifty Sects, for any one of which, diſtinctly conſidered, he has juſt as much veneration as I have for the Muſulmen. He divides himſelf ſo exactly betwixt the Church and a Conventicle, that he doth not know to which he belongs, and would gladly be excuſed from the trouble of going to either, if it were poſſible to beguile the People without a pretence to Religion and Devotion.

Loyalty. He treats his Prince as the Souldiers did our Saviour, firſt Crowns him with Thorns, and then kneels before him; and mixes his ſubmiſſions and reproaches ſo equally that no man can tell which is the principal ingredient, and he intends to crucifie him too when it is ſafe to conclude the ſport.

He

Laws. He is ever talking of the Laws, and hath listed a parcel of them to take his part against all the rest, and with these, and his other Auxiliaries, and **Ignoramus Juries** he hopes to prevail. And then the Book of *Statutes* shall again be reformed into a Packet of *Votes* and *Ordinances*.

The Republicans are every day calling in the Aid of the Law that they may overthrow the Law, which they know to be their irreconcilable enemy. *Lord Chancellors Speech*, May 19. 1662.

Monarchy. He hates nothing so heartily as he doth Monarchy and Majesty; and thinks that as Princes were instituted for the good of their People, so they ought to be sacrificed to it too, and in order to it he Crowns them first with Garlands; and then lays all the sins and follies of the People upon their Heads, and is in great pain for a Knife or an Ax to finish the Attonement.

Popery. The next thing he hates is Popery, of which he hath no more true and determinate Notion than he had of the number of the Hairs of his head, nor ever took more care to inform himself of the one than the other; and the reason is because his Ignorance will excuse him if he calls that Popery to morrow, which was good sound Protestantanism three days agone.

Oaths. He takes Oaths not to bind, but loose him (as men do *Alloways* and *Rubarb*,) for the Evacuation of suspicion, and they have usually the same effect upon him, only they operate cross-ways, and purge out all his natural good humours too, and leave all the bad ones behind them.

Clergy. He pronounceth of a Clergy man at first sight by his Habit, all that wear Cassocks are drunkards, and Popishly affected, the Cloak-men are all sober Protestants.

Conversation. He is something shie of a Stranger, and therefore first Pumps a man before he opens himself; if he finds him Loyal, he is so too, but not without some dissatisfaction. If the Party be of his own side, then he cherisheth his malice and spite against the Government, by communicating his own to him. If the Company happen to be mixt, then he hath a

Set

Set of Canting Language, which signifies quite different things to the different parts of the Company, as for instance, Popery signifies the Church of *England* to one Party, and Arbitrary Government, Monarchy to the other Party quite another thing.

Next the King he hates most a Wise, Loyal, States-man; and because he knows it is not yet safe to attack the Master, he takes care to represent all his Servants as Knaves and Traytors, French Pensioners, and Popishly affected, for he knows that if the People can once generally be brought to think the Court a Den of Thieves, the Master of the Family, that chuseth and employeth them, must answer for their misdemeanors, as well as they must for his. Ministers.

C'est, à un Prince à regler ses Courtisans, dautant qu'on luy impute tous leurs disordres, & qu'on presume quand ils en font que c'est luy mesme qui les commet, encore qu'il est obligé de les empescher.

Next the Ministers, his great care is to instil into the People a great aversion for the Loyal Judges and Magistrates, but if they warp a little, then he admires them for men, and lovers of the Liberty of the People. Judges and Magistrates.

But that which, next Hanging, is most dreadful to him are the Loyal Gentry and their dependents; These he knows can neither be wheedled nor frighted generally, and therefore all the Forces he provideth are only against these Canaanites, who keep the good People out of the Land of Promise; or make their lives uneasie in it, by denying them liberty of Conscience to be of any Religion, or none, as occasion serveth; besides, they have great Estates, good meat and drink, and some Authority, all which belong to the Godly. Gentry.

After Liberty of Conscience he places a Lawless Licence to do what he list, and take what he please; which he calls Property. Property; for he would fain have the Hedge broken down, that all mens Estates, Wives, and Daughters might be common to him, which is the most beloved Notion he has *Reipublicæ*, of a Commonwealth. Liberty and

His

Books. His Study is well ſtuffed with ſeditious Pamphlets and intelligences, but his Staple Author is the Loviathan, which he hath read ten times oftener than the Bible, and Practiſeth a thouſand times more, yet he hath a good Parcel of other Commonwealth Authors too, and admires nothing in the Greeks and Romans but their hatred to Monarchy, and love of Liberty and Popular Governments, and were it not for this, would be contented all their Books were burnt.

Fears and Jealouſies. When all things are well he frights the little Folk with Predictions of what may be, or is intended ſhall be, and the leſs probable the thing is, the more eaſily it is ſometimes believed. Only the wonder is, men ſhould court Fear, and fall in love with Jealouſie: which are uneaſie Paſſions to them, but profitable to our Gentleman, who to create them in his Followers, pretends himſelf horribly over-run with them; when indeed his only fear is, he ſhould not (after ſo many Cheats put upon the People) be believed.

Plot. The Plot and the Duke are his two great Pretences, and he wiſheth they may never fail till he hath overthrown the Monarchy, for then he ſhall want his beſt handles to take the People by.

Priviledge. Priviledge of Parliament is his laſt retreat, and if that fails, then he muſt take *Achitophels* courſe, and ſet his houſe in Order, to provide for what follows.

MVSEVM BRITANNICVM

FINIS.